

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.1319 of 2019

Date of Decision : 18.01.2019

Sandeep Mittal

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr.Mandeep Kumar Dhot, Advocate
for the petitioner.

MAHESH GROVER, J.(O)

The petitioner has approached this Court impugning the order dated 20.10.2018 (Annexure P-2).

In the petition certain irregularities have been highlighted regarding the project and activities that according to the petitioner would result in defrauding the public at large. Besides that other issues regarding competence of the authorities to deal with the matter have also been raised. Previously also the petitioner filed almost an identical petition. It is pertinent to mention here that previously show cause notices had been issued prior to the filing of CWP No.18650 of 2018 which was dismissed on 30.07.2018. The Division Bench noticed the grievance of the petitioner who had asserted that he had booked a residential apartment on 01.02.2013 in the project styled as “The Corridors”. The license to develop this was granted by the competent authority and plans approved. Allegations of illegal transfer of the project to some other developer was made without any authority and in complete violation of the provisions of Haryana Development and Regulation of Urban Areas Act, 1975.

Noticing that the writ petition had raised multifarious issues the

court opined that most of them could be effectively addressed by the Real Estate Regulatory Authority, Gurugram. But noticing that the show cause notices had been issued, the Court directed the Director, Town and Country Planning, Haryana to take a final decision in the case within three months, which has now been done on 20.10.2018. While disposing of the matter the Director, Town and Country Planning, Haryana has observed that the RERA would be the effective authority to look into the grievance which indeed is in consonance with the observations made by the writ court while disposing of CWP No.18650 of 2018.

Evidently, once a Division Bench of this Court has opined that the efficacious remedy available with the petitioner would be to approach the RERA, we cannot find fault with the reasoning adopted by the Town and Country Planning in reiterating so. We are thus of the opinion that there is no infirmity in the impugned order as the Division Bench has conclusively said about the efficacious remedy available to the petitioner and there has been no attempt by the petitioner to get the order of the Division Bench reviewed so as to erase this portion of the order, which according to him, was erroneous.

Petition dismissed.

(MAHESH GROVER)
JUDGE

18.01.2019
dss

(LALIT BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No