

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

-:-

C.W.P No. 10456 of 2019

Date of decision: 23.04.2019

Rajesh Bhardwaj & Ors.

.....Petitioners

Vs.

State of Haryana and Ors.

...Respondents

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

Present:- Mr. Mansur Ali and Mr. H.S. Deol, Advocates,
for the petitioners.

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MAHESH GROVER, J. (Oral)

The impugned notices have been issued to the Society and not to the petitioners. This becomes important to the controversy when the petitioners raise an argument that they have absolutely no concern with violation that have been pointed out in the impugned notices and rather their concern is with the limited violations of a pillar supporting the balcony. The pleadings on record show that initially this dispute was personal to three individuals resulting in the writ petition Nos. 20921 and 22479 of 2011 (Annexure P-1), decided on 04.05.2015 wherein directions were given to the Administrator to identify the violations and take appropriate action. The impugned notices are result of that directions. Evidently there are violations apparent in the complex for which the society would need to take remedial measures.

We do not completely agree with the assertions of the petitioners, because there are clear violations with regard to the pillar supporting balcony and so admitted by the petitioners themselves. Initially when the dispute was inter se between two or three residents, this Court passed an order regarding the violations existing in the society. Once the exercise has been conducted by the respondent-authorities pursuant to the directions of the Court, it would not

society cannot answer for violations that had been done by individuals. However, in order to ensure principles of natural justice and fair play we permit the petitioners to raise these issues with the respondent-authorities by highlighting the violations which is peculiar to the petitioners and distinct from the one that had been identified in the impugned orders. If the petitioners make a detailed representation to the Administrator, HUDA within a period of one week from today, the said authority shall look into the grievance that may come before it through the representation and take a decision thereon within a period of two weeks' thereafter.

Petition stands disposed of.

(MAHESH GROVER)
JUDGE

April 23, 2019
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(LALIT BATRA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No