

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

CWP No. 105 of 2022 (O & M)
Date of decision: 10.01.2022

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MVN Infrastructure Pvt. Ltd.

....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sanjeev Sharma, Sr. Advocate,
with Mr. Sandeep Singh, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed for quashing the communication dated 20.12.2021 (Annexure P-8) whereby, the petitioner was required to appear before respondent No.1 and participate in the matter of Appeal No.18, titled MVM Infrastructure Pvt. Ltd. vs. Director General, Town and Country Planning, on the administrative side on 06.01.2022. Prayer has also been made for quashing of the decision dated 30.12.2021 (Annexure P-9) whereby, decision has been taken to renew License No.64 of 2010 issued to respondent No.5.

Counsel for the petitioner, at the outset, is not in a position to press the relief qua the decision dated 30.12.2021 (Annexure P-9) since there is an alternative remedy available under the statutory provisions.

However, it has been brought to the notice of this Court that Appeal No.18 of 2017 filed by the petitioner was allowed on 11.11.2021 (Annexure P-5) and the matter was remanded by respondent No.2 to respondent No.3-Director, Town and Country Planning for proceeding against respondents No.2 and 3, who

are now arrayed as respondents No.4 and 5 herein. Apparently, representation dated 29.11.2021 (Annexure P-6) was filed by respondent No.5-Brahma City Pvt. Ltd. for rehearing, on the ground that they had no notice of the hearing on 11.11.2021 and opportunity had not been given to them as such. The impugned order which has been passed on 20.12.2021 (Annexure P-8) admittedly takes into consideration that the appeal has already been decided but has allowed the representation to the extent that the matter will be placed on the administrative side before respondent No.1, who is the Additional Chief Secretary. The relevant portion reads thus:-

“In reference of the representation dated 29.11.2021 received from Brahma City Pvt. Ltd. i.e. Respondent no. 3 in connection with appeal referred above, it is informed that W/ACSTCP has desired that matter be placed before him on 06.01.2022 on his administrative side as the appeal already stand decided vide order dated 11.11.2021.

Therefore, you are requested to appear before W/ACSTCP on 06.01.2022 at 3.00 PM in his office at Plot No. 03, Madhya Marg, Sector 18A, Ist Floor, Chandigarh.”

It has also been brought to the notice of this Court that the matter was fixed on the judicial side on 06.01.2022, as an appeal case, as per the cause list circulated (Annexure P-11). The said matter has been shown at Sr. No.7 of the said cause list. It is stated that the matter is now adjourned to 13.01.2022.

Mr. Rahul Sharma, Advocate has put in appearance on behalf of respondent No.5 on account of having advance copy. Mr. Hitesh Pandit, Addl. A.G., Haryana puts in appearance on behalf of respondents No.1 to 3.

Neither counsels for the respondents are in a position to explain as to once the appeal has been decided on the judicial side, how the same proceedings are liable to be taken up on the administrative side and thereafter,

listed on the judicial side again as per the cause list (Annexure P-11).

Counsel for respondent No.5 submits that he has instructions that respondent No.5 shall not be pressing the representation dated 29.11.2021 (Annexure P-6) and he be given liberty to avail his remedy in accordance with law.

Counsel for the petitioner has no objection if the said procedure is followed.

Keeping in view the consent inter se the parties, representation dated 29.11.2021 (Annexure P-6) is dismissed as not pressed with liberty as aforesaid. The impugned notice dated 20.12.2021 (Annexure P-8) asking the parties to put in appearance on the administrative side before respondent No.1, is quashed.

Writ petition stands disposed of with the aforesaid observations.

(G.S. SANDHAWALIA)
JUDGE

10.01.2022
shivani

(VIKAS SURI)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No