

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

120

CWP-6506-2022

Date of decision : 30.03.2022

The Mahalaxmi Cooperative Group Housing Society Ltd.

....Petitioner

V/s

State of Haryana and others

....Respondents

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

Present: Mr. Manoj Kumar, Advocate for the petitioner.

G.S. SANDHAWALIA, J. (ORAL)

The challenge in the present writ petition is to the communication dated 09.06.2021 (Annexure P-37), issued by respondent No.3 to respondent No.4 - Sub Registrar, Co-operative Society, Gurugram, wherein direction has been issued not to process any request of sale and purchase in respect of petitioner-Society without obtaining 'No dues certificate' from HSVP on account of outstanding amount of ₹5,20,71,393.60 (Annexure P-37).

Counsel has submitted that as per the latest Allottee Account Statement (Annexure P-43), there is a credit of ₹26,85,475.00/- and therefore, the said communication is not justified.

Admittedly, the account statement has been issued after the impugned communication. Nothing has been placed on record to show that the petitioner-Society has represented to respondent No.2 regarding the fact that it has the credit balance.

In such circumstances, it is always open to the petitioner-Society to approach the respondent Nos.2 and 3 for redressal of its grievance by filing an

appropriate representation to show that any claim made by the said respondent was not justified.

It is settled principle that in the absence of any representation, a writ of mandamus is not maintainable.

Faced with this situation, counsel for the petitioner-Society submits that he may be given liberty to approach respondent Nos.2 and 3 for redressal of its grievance by filing an appropriate representation and by raising all the issues which it feels that need to be redressed by said respondents.

Needless to say that any such representation would be acted upon by the said respondents.

In view of above, present petition is disposed off with the aforesaid liberty.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

March 30, 2022
Ajay

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