

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

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CWP No.28179 of 2022

Date of Decision: 08.12.2022

Corporate Green Buyers Welfare Association

....Petitioner.

Versus

The Director General, Town and Country
Planning, Haryana and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Gaurav Bahl, Advocate,
Mr. Gurmandeep Singh Sullar, Advocate,
Mr. Tarun, Advocate,
Ms. Devaki Anand Sullar, Advocate and
Mr. Akeen Sheemar, Advocate
for the petitioner.

Mr. Aman Bahri, Additional AG, Haryana.

Mr. R.S. Rai, Senior Advocate with
Mr. Chetan Mittal, Senior Advocate with
Mr. Rajeev Anand, Advocate
for respondents No.5 and 6.

HARINDER SINGH SIDHU, J.

The petitioner which is a registered association of allottees has filed the present petition seeking *inter alia* quashing of the order dated 02.01.2019 (Annexure P-25) passed by respondent No.1 - Director, Town and Country Planning, Haryana.

The petitioner had earlier filed CWP No.8821 of 2016 raising a grievance that there were certain violations made by the private respondents in development of the colony. The petitioner had made a representation to the Director, Town and Country Planning, Haryana. However, no action had been taken thereon. The aforesaid petition was

disposed of on 06.05.2016 (Annexure P-21) with a direction to the Director, Town and Country Planning, Haryana, to take a decision on the same after affording the petitioner an opportunity of hearing. Order dated 02.01.2019 (Annexure P-25) has been passed in compliance of the aforesaid directions.

The petitioner had earlier filed CWP No.28933 of 2019 assailing the aforesaid order dated 02.01.2019. It first came up for hearing on 04.10.2019. On 02.03.2020, it was adjourned *sine die*. On 06.01.2022, the petitioner withdrew that petition with liberty to file a fresh petition on the same cause of action by placing on record additional documents which as per the petitioner would be relevant to the issue in hand.

Thereafter, the petitioner had filed present petition.

Mr. Aman Bahri, learned Additional Advocate General, Haryana and Mr. Chetan Mittal, Senior Advocate with Mr. Rajeev Anand, Advocate, learned counsel for respondents No.5 and 6 have asserted that the present petition is not maintainable as the petitioner has an alternative remedy to file an appeal against the impugned order under Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975 (in short 'the Act').

Mr. Gaurav Bahl, learned counsel for the petitioner, on the other hand states that the appeal provided under Section 19 of the Act is not an efficacious remedy. Certain issues have been raised in the complaint which are not within the jurisdiction of the Director, Town and Country Planning, Haryana, and it has been so reflected in the impugned order also.

The contention of the petitioner is not well founded.

In the complaint pursuant to which the impugned order has been passed, the petitioner had sought the cancellation of the Occupation Certificate granted to the respondent/builder and that various violations committed by it be gone into and that licence be cancelled where such violations have taken place.

This action is clearly within the jurisdiction of the Director, Town and Country Planning, Haryana. As per Section 8 of the Act, if the colonizer contravenes any of the conditions of the licence or the provisions of the Act or the rules made thereunder, licence is liable to be cancelled by the Director after giving an opportunity of hearing to the colonizer.

Thus, the order passed by the Director is clearly appealable under Section 19 of the Act.

Accordingly, this petition is disposed of by giving liberty to the petitioner to avail of the remedy of appeal in terms of the aforesaid provision.

It would be open to the petitioner to seek condonation of delay in filing the appeal on the ground that it has been pursuing the petition in this Court.

As regards any other grievance, the petitioner would be at liberty to approach appropriate authority in accordance with law.

(HARINDER SINGH SIDHU)
JUDGE

08.12.2022
D. Gulati

(LALIT BATRA)
JUDGE

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