

CWP-5592-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5592-2023

Date of decision : 20.03.2023

Tata Primanti Residents Welfare Association

.....Petitioner

VERSUS

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr.Akhil Aggarwal, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for issuance of a writ of *mandamus* directing private respondents No.4 to 7 to not construct and use the area which is marked as residential zone for commercial purposes.

Assertion has been made that as a matter of fact, private respondents No.4 to 7 have made constructions on the residential area and are utilizing the same for the purposes which are commercial in nature. Assertion has also been made that this is not permissible in law as per the statute. Petitioner has also submitted various representations to the respondents, one of which is dated 31.01.2023 (Annexure P-1) addressed to the respondents, but till date no action thereon has been taken. Counsel for the petitioner further contends that the petitioner at this stage would be satisfied if a direction is issued to the respondents to consider and take a decision on the representation dated 31.01.2023 (Annexure P-1) as submitted by the petitioner within some specified time.

CWP-5592-2023

-2-

Notice of motion.

On the asking of the Court, Mr. Pravindra S. Chauhan, Sr. Addl. A.G., Haryana, accepts notice on behalf of the State of Haryana.

Learned counsel for the State of Haryana informs the Court that the Competent Authority to take a decision on the representation of the petitioner dated 31.01.2023 (Annexure P-1) would be the Director General, Town & Country Planning, Haryana.

In the light of the above, we dispose of the present writ petition without going into merits of the case or commenting thereon by observing that the representation of the petitioner dated 31.01.2023 (Annexure P-1) be considered and decided by the Director General, Town & Country Planning, Haryana, within a period of eight weeks from the date of receipt of certified copy of this order. Decision so taken be conveyed to the petitioners forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

20.03.2023
Harish

(SANJIV BERRY)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No