

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216

CWP-11314 of 2014
Date of Decision:28.11.2023

FARIDABAD EX SAINIK KARAMCARI CO-OP HOUSE BUILDING SOCIETY LTD

....Petitioner

Versus

STATE OF HARYANA & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shailender Jain, Sr. Advocate, with
Mr. Munish Kumar, Advocate, and
Mr. Ashwani Kumar Chopra, Sr. Advocate, with
Mr. Sushil Jain, Advocate,
for the petitioner.

Mr. Ankur Mittal, Addl. A.G., Haryana with
Mr. Saurabh Mago, DAG, Haryana

SURESHWAR THAKUR, J. (Oral)

1. Mr. Ankur Mittal, learned Additional Advocate General, Haryana assisted by Mr. Saurabh Mago, learned DAG, Haryana, on instructions from the official concerned, submits that the notices ordered to be served upon the petitioner for its making participation in the relevant proceedings, did not, as such come to be issued nor became served at the address of the present petitioner.

2. Since this Court in paragraph 13 of its order recorded on 08.08.2013 (Annexure P-24) in Civil Writ Petition No.5335 of 1988 (O&M), made a direction upon the respondents concerned to ensure the participation, of the present petitioner rather in the relevant proceedings. Therefore, the said participation of the present petitioner in the relevant proceedings, could have been ensured only when it was validly served at its operational address. Since the learned Additional Advocate General, Haryana submits, that the present petitioner was, as a matter of fact, not served at the relevant address. Inconsequence the order (supra) as became drawn by this Court, thus requiring the respondents to ensure the participation of the present petitioner, in the relevant proceedings, but after causing the valid service of notice upon it, but at its relevant address, thus becomes infracted. In nutshell, the impugned order (Annexure P-24) as passed in compliance to the directions made by this Court on 08.08.2013, upon the civil writ petition (supra), is on the above ground required to be quashed and set aside. However, thereafter participation of the present petition in the relevant proceedings, be ensured to be caused only after valid service of notice being caused upon it, at Faridabad Ex-Sainik Karamchari Co-op House Building Society Ltd., Sector-49, Faridabad, Haryana.

3. In the alternative, as assured today by the learned senior counsel, for the petitioner, the petitioner-Society through its authorised representative, shall appear before the Additional Chief Secretary, Urban Estate, Directorate Town & Country Planning, Sector-18, Chandigarh, on 19.12.2023 at 3:00 P.M. On such appearance being caused, the abovesaid authority shall pass a well speaking order, thus in terms of the verdict (supra) as became pronounced by this Court.

- 4. The present petition is allowed in view of the above terms.
- 5. Pending application (s), if any, stand (s) also disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

November 28, 2023
dinesh

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