

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

110

2023:PHHC:122721-DB

CWP-19028-2023

Date of Decision: 19.09.2023

Sangita Kumari and others

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Saksham Arora, Advocate,
and Mr. Pragun Jasuja, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Addl. A.G., Punjab.

G.S.SANDHAWALIA, J. (Oral)

1. Prayer in the present writ petition filed under Articles 226 and 227 of the Constitution of India is for issuing directions to respondent Nos.1 and 3 to check, act and take action on the construction and illegalities being done time and again by respondent No.2-the developer.

2. It is the case of the petitioners that the developer i.e. respondent No.2-Bajwa Developers Ltd. had tempted and allured them to book residential plots with a promise that there was a road which was shown as 35 ft. wide in front of plot Nos.3001 to 3035. The said road is now stated to have shrunk to 30 ft. and the respondents are not giving any explanation for the said reduction. It has also been mentioned that one of the residents has filed a consumer complaint as well as civil suit regarding the size of the road having been reduced and in such circumstances the present writ petition has been filed.

3. We are of the considered opinion that there are various alternative and efficacious remedies available to the petitioner. The petitioner

has also opted not to mention this fact in the writ petition which is mandatory as such as to whether the existence is there of alternative and efficacious remedy. We need not dilate on the said issue as not only the Consumer Court but even the Authority which has been set up under the Real Estate (Regulation and Development) Act, 2016 would have the jurisdiction to deal with the issue.

4. In such circumstances, we do not feel that it is a fit case to exercise our extra ordinary writ jurisdiction in the peculiar facts and circumstances of the case. Since the factual matrix will have to be led out regarding the reduction of road size and the fact that some houses would have come up in the said lane, it would be appropriate if the petitioner is relegated to avail his alternative and efficacious remedies in accordance with law keeping in mind the principles laid down in ***Union Bank of India vs. Satyawati Tondon and others, (2010) 8 SCC 110.***

5. Ordered accordingly.

(G.S. SANDHAWALIA)
JUDGE

19.09.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No