

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

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**2023:PHHC:102335-DB**

**CWP-17220-2023**

**Date of Decision: 08.08.2023**

Rahul Shrivastava

.....Petitioner(s)

Versus

State of Haryana and others

....Respondent(s)

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

Present: Mr. Anshul Mangla, Advocate,  
for the petitioner.

Mr. Arun Beniwal, DAG, Haryana.

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**G.S.SANDHAWALIA, J. (Oral)**

1. Challenge in the present writ petition filed under Article 226 of the Constitution of India is to the show cause notice dated 26.07.2023 (Annexure P-1) wherein, on account of conversion of the use of Plot bearing No. G-19/27, DLF Phase-1, Gurugram from residential to commercial, action is sought to be taken against the petitioner under Section 10(2) of the Haryana Development and Regulations of Urban Areas Act, 1975 on the ground that there is a violation of the license granted since the property is part of the residential licensed colony namely DLF City Phase-1, Gurugram.

2. Counsel for the petitioner has submitted that the petitioner is in possession of the premises for a period of 11 months on account of the lease agreement dated 01.05.2022, which has been annexed as Annexure P-3 and has submitted a reply on 04.08.2023 (Annexure P-5) that he would be vacating the premises in 30 days since the owner is unwilling to get the certificate to convert the property into a non-nuisance professional services.

Resultantly, as per the said reply, prayer has been made for 30 days' time till 03.09.2023 to shut operation and vacate the premises. Counsel further submits that the petitioner is a professional and running a dental clinic and, therefore, needs some time to relocate and shift his practice.

3. Notice of motion.

4. Mr. Arun Beniwal, DAG, Haryana accepts notice.

5. We are of the considered opinion that the prayer made is very fair and since the petitioner has undertaken to vacate the premises within reasonable time, he should be given reasonable time to do so.

6. Resultantly, we dispose of the writ petition binding down the petitioner to his undertaking. Counsel for the petitioner has further submitted that another 15 days' time be granted. Accordingly, we grant time to vacate the premises till 15.09.2023. It is made clear that after 15.09.2023, the respondent authorities are free to proceed against the petitioner in accordance with law in case the violation still subsists.

(G.S. SANDHAWALIA)  
JUDGE

08.08.2023  
shivani

(HARPREET KAUR JEEWAN)  
JUDGE

Whether reasoned/speaking  
Whether reportable

Yes  
No