

CWP-18405-2023(O&M)

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Neutral Citation No. 2023:PHHC:112170

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

CWP-18405-2023 (O&M)

Date of Decision: August 28, 2023

M/s Eternal Housing Infra LLP

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ashok Singla, Advocate with
Mr.Aakash Singla, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.(ORAL)

CM-14213-CWP-2023

For the reasons mentioned in the application, the same is
allowed. Annexures P-21 and P-22 are taken on record.

CWP-18405-2023(O&M)

Instant writ petition has been filed under Article 226 of the
Constitution of India praying for issuance of a writ in the nature of
mandamus directing respondents No.1 to 4 to refrain from re-opening of the
mutation proceedings qua the declaration of surplus area qua the questioned
land of the petitioner-firm, which was never subject matter of any litigation.
It is further prayed to issue appropriate writ in the nature of prohibition for
restraining the respondents from utilizing the questioned land allotted to the
petitioner by the State Government vide allotment certificate Form US3
dated 12.06.2009, Annexure P-5, and final certificate in Form US4 dated
17.06.2009, Annexure P-6 under the provisions of Haryana Ceiling of Land

holdings Act, 1972 and the Haryana Utilization of Surplus and other Areas Scheme, 1976 over which parcel of questioned land, petitioner developer has been granted license No.47 of 2023 dated 02.03.2023, Annexure P-12 by the respondent State through Department of Town and Country Planning to develop commercial plotted colony project namely 'Courtyard 37D' apart from various other government permissions on an area admeasuring 2.20 acres (17 kanal 12 marla) out of the aforesaid questioned land, because any such illegal restraint virtually amount to violation of terms of license Annexure P-12.

It has been contended by counsel for the petitioner that the petitioner/firm has already filed representation, Annexure P-21, but no decision has been taken on the same till date.

Notice of motion to official respondents only at this stage.

On asking of the Court, Ms.Upasana Dhawan, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondents/State.

After hearing counsel for the parties and going through the facts and circumstances of the case, the present petition is disposed of with a direction to respondent No.3, i.e. District Collector, Gurugram, to decide the representation, dated 09.08.2023, Annexure P-21, expeditiously preferably within one month in accordance with law from the date of receipt of certified copy of this order. Necessary decision be taken after hearing the petitioner.

August 28, 2023

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No