

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

**CWP-5840-2018(O&M)**  
**Date of decision: 29.11.2023**

Sahara Mall Condominium Units Owners Association

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI  
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present:** Mrs. Munisha Gandhi, Senior Advocate, with  
Mr. Viraj Gandhi, Advocate, for the petitioner.  
Mr. Ankur Mittal, Addl. AG, Haryana, and  
Ms. Kushaldeep Kaur, Advocate, for respondents No.1 to 3.  
Mr. Vaibhav Narang, Advocate, for respondent No.4.  
Mr. Sunil Chadha, Senior Advocate, with  
Mr. Akshay Chadha, Advocate, for respondent No.5.  
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**ARUN PALLI, J. (Oral)**

The petitioner (Sahara Mall Condominium Units Owners Association) has prayed for the following substantive relief:

**“Civil Writ Petition under Article 226 and 227 of  
the Constitution of India, in the nature of mandamus or  
any other appropriate writ, order or direction directing  
the respondents No.1 to 3 to ensure compliance with the  
statutory provisions of the Haryana Apartment  
Ownership Act, 1983 and the Haryana Development  
and Regulations of Urban Areas Act, 1975 against  
respondent No.4.**

**AND**

**Any writ, order or direction in the nature of mandamus  
or any other appropriate writ, order or direction  
directing, commanding and requiring the respondents**

**No.1 and 2 to protect the interest of the petitioner by directing respondent No.4 to handover the maintenance and administration of Sahara Mall Condominium in compliance deed of declaration dated 21.09.2004 (Annexure P-3) under of Haryana Development and Regulation of Urban Area Rules.”**

Learned Senior counsel for the petitioner, in reference to the communications dated 16.11.2017 & 30.11.2017, Annexure P-11 (Colly.), submits that prior to the institution of this petition, the matter in issue was being examined by the District Town Planner, Gurugram as also the District Registrar, Firms and Societies, Gurugram, but it made no progress, for the matter is sub judice before this Court since 2018.

We had heard the matter at some length, when, during the hearing, learned counsel for the parties have reached a consensus: that in context of the nature of issue/dispute that arises for determination, it shall be expedient if respondent No.3 (Director General, Town & Country Planning Department, Haryana) is required to examine the concerns/grievances of all the stakeholders in the first instance. And pass appropriate orders, after affording hearing to all concerned, within a specified time.

Learned Additional Advocate General, Haryana submits that respondent No.3 shall pass the necessary orders, in accordance with law, within a period of three months. Further, he submits that parties shall also be at liberty to furnish any fresh material/evidence, if so advised, to support/substantiate their respective claims, provided they do so within two weeks from today.

Accordingly, and without prejudice to the rights/interests of the parties and their respective pleadings before this Court, the petition is disposed

of in terms of the statements made by learned counsel for the parties. This Court is sanguine that the authorities shall look into the matter in the right earnest. And, appropriate orders, in accordance with law, shall be passed, after hearing all the stake-holders, within the time indicated by the learned State counsel.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

( Arun Palli )  
Judge

( Vikram Aggarwal )  
Judge

29.11.2023  
Rajan

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|------------------------------|--------|
| Whether speaking / reasoned: | YES/NO |
| Whether Reportable:          | YES/NO |