

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

CWP-22176-2022

Date of Decision: 18.01.2023.

KRISHAN KUMAR AND ORS

...Petitioners

VS

STATE OF HARYANA AND OTHERS

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Chirag Wadhwa, Advocate
for the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the license dated 23.06.2021 (Annexure P.5) issued to respondents No. 4 to 6 and order dated 26.07.2022 (Annexure P.9) passed by the Appellate Authority on an appeal preferred by the petitioners under Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975.

It is the contention of the learned counsel for the petitioners that a colony was developed by respondent No.3 wherein 12 meter wide road was provided as an access to the colony. Now a new affordable plotted colony is sought to be developed by respondents No. 4 to 6 which is a sister concern of respondent No.3. With these, according to layout plan, 14 houses of 100 square yards have been carved out on the passage which was meant for and was the part of the colony which was developed by respondent No.3. Petitioners had purchased the plots in pursuance to the development plan as has been highlighted and approved by the Competent

Authority and on that belief they proceeded to construct their houses. With the 14 houses of 100 square yards opening in the passage this would lead to congestion on the road which would amount to inconvenience to the petitioners.

Learned counsel for the petitioners further contends that the provisions of Rule 17-A of the Haryana Development and Regulation Urban Areas Act, 1976 has not been complied with as the consent of the members of the colony has not been obtained. In the absence of consent having been obtained, the permission and the license as has been granted for developing adjacent colony is not admissible and violative of law.

This contention of the learned counsel for the petitioners cannot be accepted in the light of order dated 26.07.2022 passed by the Additional Chief Secretary to Government of Haryana, Town and Country Planning Department (Annexure P-9) wherein the requirement of Rule 17-A of the 1976 Rules which mandated that without getting permission/consent of the residents of the colony or without calling for objections and thereafter proceeding to deciding the same stands duly complied with.

The objections were invited from the existing allottees of the plots of colony where the petitioners have constructed their houses/ have been allotted the plots. Not only individually but through publication in Tribune, Times of India and Dainik Jagran Newspaper the objections were invited and also received which were duly considered and decided. The decision on those objections was not a subject matter of the appeal rather the stand of the petitioners in the appeal was that there was no consent taken nor was any objection called for which has been found to be incorrect.

The perusal of the order would further indicate that initially a road which was there, was 12 meters wide and the new road as per the plan

now submitted and approved by the Competent Authority is 45 meters wide which further indicates that there is more area now to be treated as a road for ingress and egress of the residents of the colony. No prejudice, therefore, has been caused to the petitioners which would call for any interference by this Court. The statutory requirements having been fulfilled and equity also not being in favour of the petitioners, we do not find this case to be fit for interference.

The writ petition being devoid of merit, therefore stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

18.01.2023
priyanka

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No