

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22412-2023 (O&M)

Date of decision:14.11.2023

M/s Motia Real Estate

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Mr. ADS Jattana, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

CM-17746-CWP-2023

Application is allowed, as prayed for.

The documents are taken on record.

Main case

The petitioner herein has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226/227 of the Constitution of India praying for the issuance of a writ in the nature of mandamus and thereby, directing the respondents, to decide the representations, dated: 13/07/2023, Annexure P-9, & dated: 16/08/2023 Annexure P-13, for carry out the correction in the mistake committed in the cartographic map/master plan of Chajju Majra, Annexure P-4, where the Y shaped road had shifted from the actually situated 25m road connecting with the PR 7 running between Hasanpur to Zirakpur next to the corner of Khasra No. 15 in the project of the petitioner and that of the project of TDI, at Chhaju Majra, within MC Kharar, District: SAS Nagar,

AND/in the alternative

For the issuance of appropriate writ, order or directions and thereby, for ordering the respondents no.1 to 5 to accept & pass the site plans as per the existing cartographic map, Annexure P-4, and to permit the petitioner to construct as per existing 'Y-shaped' actually situated Road viz-a-viz the Y-shaped road on the Cartographic map as due to the filing of false & frivolous complaints dated: 11/04/2022, Annexure P-6, being submitted by the respondent No. 6 & 7, upon which, the order dated: 18/07/2022, Annexure P-8, stands passed granting the petitioner the time to carry out the intended corrections in the site plan applied through the amended CLU dated: 30/05/2022, Annexure P-5 and as a consequence of the above, for ordering exemption from payment of penalty/interest on External Development Charge due to non-application of mind and continuous delay in decision by the official respondents No. 1 to 5”

Learned counsel for the petitioner submits that pursuant to the order dated 10.08.2015 (P-3), passed under Section 81(1) of the Punjab Regional and Town Planning and Development Act, 1995, the petitioner was granted permission to change the land use qua 41 kanals 19 marlas (5.242 acres), situated in Municipal Council Kharar. He submits that in terms of condition No.3, the site was to be developed as per the master plan and the CLU was to be issued, except for two 25 meter Y-junction area of widen roads, as per the master plan. However, he submits that during preparation of the master plan, a cartographic mistake, due to the position of drones, had occurred, and the Y-shaped road had been shifted from actual placement on ground, resulting in bifurcation of single piece of land of the petitioner into two pieces. It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities with representations dated 13.07.2023 (P-9) and 16.08.2023 (P-13) and even though, a considerable time has elapsed, but the matter has not made any tangible progress.

Served with the advance copy of the petition, Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, is present in Court. He submits that since the competent authority is alleged to be in seisin of the representations submitted by the petitioner qua its concerns/grievances, let this petition be disposed of, at this stage, to enable the competent authority to examine/deal therewith and pass appropriate orders, in accordance with law.

To this, learned counsel for the petitioner submits that let this petition be disposed of, in terms of the statement made by learned counsel for the respondents. However, it is urged that the authorities be directed to do the needful within a specified time.

To which, learned counsel for the respondents submits that the appropriate orders on the representations of the petitioner shall be passed, in accordance with law, within a period of three months from today, after affording notice/opportunity of hearing to all the stakeholders.

The petition is accordingly 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, within the time indicated by the learned counsel for the respondents.

Needless to assert that this order shall not constitute an 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

14.11.2023
Ak Sharma

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

