

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24777-2023

Date of decision: 06.11.2023

Palani Murugesan

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Sarthak Gupta, Advocate, and
Mr. Dhruv Sood, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

Petitioner herein has prayed for the following substantive
reliefs:-

*“Civil Writ Petition under Articles 226/227 of
the Constitution of India for issuance of a writ, order or
direction especially in the nature of Mandamus directing
Respondent no.1 and 2 to give effect to order dated
10.04.2023 (Annexure P/13) passed by Respondent No.2
(exercising the powers of Director of Town and Country
Planning, Haryana) whereby Respondent No.3 was
directed to inter alia restore building to its original state in
conformity with approved building plans and remove the
unauthorized construction in the form of two additional
floors on Flat No.3345-C, Chandralok, Phase 4, DLF City,
Gurugram-122002, within 7 days;*

AND

For the issuance of writ of Mandamus directing the Respondent No.1 and 2 to initiate action against Respondent No.3 under section 10(1) of the Haryana Development and Regulation of Urban Areas Act, 1975”

Learned counsel for the petitioner submits that petitioner is the owner/occupant of Flat No. 3345-A, Chandralok, Phase 4, DLF City Gurugram. He submits that petitioner had made a complaint dated 26.06.2014 (P-4), to the respondent authorities, wherein he had alleged that two additional floors with many projections (cantilevers), were being constructed by respondent No.3, thereby posing threat to the safety of his flat, adversely affecting his rights in common facilities. And, vide order dated 10.04.2023 (P-13), the competent authority, in exercise of powers under Section 10(2) of the Haryana Development and Regulation of Urban Areas Act, 1975, had ordered immediate restoration of the building in question to its original approved use, in conformity with the approved buildings plan and the Act. The limited grievance that is being expressed by the learned counsel for the petitioner is: even though the order (*ibid*) was passed as back as on 10.04.2023, but since then, the matter has not made any tangible progress.

Served with the advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana, along with Ms. Kushaldeep Kaur, Advocate, is present in Court. He submits, for the competent authority is in seisin of the matter, let this petition be disposed of, at this stage, so as to enable it to examine the concerns/grievances of the petitioner and thereafter, proceed further with the matter, in

accordance with law. He further submits that the necessary orders shall be passed as expeditiously as possible, and in any case, within three months from today, after affording notice/opportunity of hearing to all the stakeholders.

Learned counsel for the petitioner is in agreement with the course suggested by the learned State counsel, and submits that let this petition be disposed of, in terms of the statement made by him.

The petition is accordingly disposed of, in view 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 State counsel.

Needless to assert, 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 grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

06.11.2023
Ak Sharma

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