

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26407-2023

Date of decision: 24.11.2023

Gulmohar City Residents Welfare Association Registered Union
.....Petitioner

Versus

State of Punjab and others
.....Respondents

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

**Present: Mr. Deepanshu Mehta, Advocate,
for the petitioner.**

ARUN PALLI, J.(Oral)

The petitioner herein (Gulmohar City Residents Welfare Association) has prayed for the following substantive relief:-

“Civil Writ Petition under Articles 226/227 of the Constitution of India seeking a writ, order or direction especially in the nature of Mandamus directing the Respondent No.1 to 7 to provide basic infrastructure as defined under Section 2 (p) & Section 2 (r) of Punjab Apartment and Property Regulation Act 1995 such as Roads, water supply, paved streets, water supply and sewerage-drainage system etc to the Petitioners (residents of the colony) in accordance with Section 5 of Punjab Apartment and Property Regulation Act 1995 read with Clause A.2.iv of Notification No. 12/2/13-5HG2/332385 Dated 28.12.2014 passed by Government of Punjab, Department of Housing and Urban Development.

And

For issuance of Directions to Respondent No.3 (Competent Authority Cum Deputy Director of

Local Bodies) to initiate Legal Action against the Promoter/Colonizer Darshan Singh (Respondent No.7) as per law and to cancel the license of said promoter as per the provisions of Act

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For grant of appropriate orders/directions to Respondents to complete the External Development Works and Internal Development Works of the Colony in a time bound manner.”

Learned counsel for the petitioner-Association, by taking us through the various documents appended with the petition, asserts that basic infrastructure, such as roads, water supply, paved streets, drainage etc., is lacking at the site. As a result, residents of the colony continue to suffer. So much so, he submits that vide communication dated 26.07.2023 (P-4), Municipal Council, Lalru, had written to the promoter (respondent No.7) to carry out the necessary development work and ensure that all basic amenities are provided to the residents, without any further delay. But to no avail. Likewise, even the representations/complaints dated 29.09.2023 and 16.10.2023 (P-3), the respondent authorities were served with, have failed to evoke any response.

Served with the advance copy of the petition, Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, is present in Court. He submits that as the competent authority is in seisin of the matter, let this petition be disposed of, at this stage, to enable it to deal with the concerns/grievances of the petitioners, as sought to be raised in the petition. And, the necessary measures, in accordance with law, shall be resorted to, within a period of two months from today, after affording an 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 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, the necessary measures, in accordance with law, shall be taken within the time indicated by the learned State counsel.

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 grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

24.11.2023
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No