

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-31350-2018(O&M)
Date of decision: 15.12.2023

Harish Nijhawan
... Petitioner
Versus
State of Haryana and others
... Respondents

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

Present: Ms. Shruti Mandhotra, Advocate, for
Mr. Kunal Dawar, Advocate, for the petitioner.
Mr. Deepak Bhardwaj, DAG, Haryana,
for respondents No.1 to 3.
Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur, Mr. Shivam Garg, and
Mr. Siddharth Arora, Advocates, for respondent No.4.
Mr. Deepak Balyan, Advocate, and
Mr. Bhuvan Khurana, Advocate, for respondents No.5 & 6.
Mr. Jatin Kaushal, Advocate, for
Mr. Arvind Seth, Advocate, for respondent No.7.

ARUN PALLI, J. (Oral)

In essence, the petitioner is aggrieved by illegal and unauthorized construction that was being carried out in various licensed sectors of Gurugram-Manesar Urban Complex, in apparent violation of Building Bye-laws (2016 & 2017) and also the notified building/layout plan of the area. For the said construction was devoid of any sewerage and drainage facilities, enormous pressure was caused on the existing infrastructure and the basic amenities that were provided for the city as such. To substantiate his concerns/grievances, the petitioner had placed on record photographs of the

area comprised in Sectors 62, 64, 66 & 75, Gurugram-Manesar Urban Complex, Gurugram (P-2). Similarly, even Sector plan of sectors 64, 65, 66 & 67 is also appended with the petition (P-3). A bare perusal of the said documents showed that constructions, electricity and water connections were totally illegal, and in violation of the approved zoning and layout plans. Accordingly, petitioner had sought sealing of all unauthorized constructions and demolition of illegal structures.

A written statement was filed on behalf of the Municipal Corporation, Gurugram (respondent No.4) containing tabular data, which shows the action taken by the Corporation against unauthorized constructions from 01.04.2018 to 31.01.2019. Further, special drives that were carried out from 01.02.2019 to 05.02.2019, in which maximum unauthorized constructions were demolished. And also the Mobile Application developed for field officers of the Municipal Corporation to report and locate such activities.

Similarly, the stand set out in a separate return filed on behalf of respondents No.1, 2 & 8 (Department of Town & Country Planning, Haryana) was/is: that three Government agencies such as Municipal Corporation, Gurugram (MCG), Gurugram Metropolitan Development Authority (GMDA) and Town & Country Planning Department were operative in Gurugram-Manesar Urban Complex, Gurugram. And, these agencies were responsible to ensure that any development that was carried out was in sync with the approved plans, and to maintain a close vigil on the unauthorized constructions. Accordingly, the authorities had already issued various show cause notices and ordered sealing of premises in the case(s) of colonizers, who had made violations in commercial complexes/malls. Even, demolition had also been ordered for violating Punjab Scheduled Roads and Controlled Area Restriction of Unregulated Development Act, 1963.

The petition at hand is pending since 2018. And, having perused the stand set out by the respective respondents in their returns, we are of the opinion that the authorities have substantially performed the duties cast on them. And its a work in progress. In a nutshell, the petition, which in essence espouses a larger public interest, has served its purpose. Therefore, with the consent of learned counsel for the parties, we consider it expedient to close the proceedings in this petition.

However, in future, if the petitioner has any fresh cause of action, he shall be at liberty to move the competent authority by filing a representation in this regard and/or avail such other remedies as admissible in law.

The petition is accordingly disposed of.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

15.12.2023
Rajan

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