

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

CWP-1199-2024

Date of decision: 19.01.2024

Mayur Real Estates Private Limited and another Petitioners

Versus

State of Punjab and others Respondents

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

Present: Mr. Amit Jhanji, Senior Advocate, with
 Ms. Zaheen Kaur, Advocate,
 for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners (Mayur Real Estates Private Limited and Smartspace Infrastructure Private Limited) are developers/promoters. Vide order dated 26.6.2023 (P-20), passed by the Chief Administrator, GMADA (respondent No.4), the application/representation dated 17.02.2023 (P-17) moved by the petitioners under Section 81 of the Punjab Regional and Town Planning Development Act, 1995, ('1995 Act'), for the purpose of development, CLU, sub-division of plot(s), laying out private street etc., has since been rejected.

Learned Senior counsel for the petitioners submits that the limited grievance the petitioners have is: even though an appeal, under Section 82 of the 1995 Act, against the said order was filed on 03.08.2023 before the Secretary, Department of Town and Country Planning (respondent No.2), but the matter has not made any tangible progress. He asserts that, in fact, the matter was first listed on 31.08.2023 and adjourned to 05.09.2023. Thereafter, it was adjourned to 07.11.2023, 28.11.2023 and 05.12.2023, but to date, no orders have been passed by the Adjudicating Authority. As a result, interest of the petitioners is being severely impacted and they continue to suffer.

Served with the advance copy of the petition, Mr. V.G. Jauhar, learned Additional Advocate General, Punjab, is present in Court.

At the outset, he submits that although on certain occasions, the petitioners were heard by the Authority, but no orders have yet been passed, and the matter is now pending for 30.01.2024. Further, on instructions, he submits that the Authority shall decide the appeal on the date already fixed. And, if for any plausible reason/cause, it is not feasible to decide the matter on the appointed date, then, at best, it shall be decided within a week therefrom by passing necessary orders, in accordance with law, and the same shall be communicated to the petitioners. He submits that before any such orders are passed, the petitioners shall also be heard.

That being so, learned Senior counsel for the petitioners submits that nothing substantive survives in the petition and the same be disposed of, in terms of the statement made by learned State counsel.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

However, if the matter is not decided within the period indicated above, the petitioners shall be at liberty to move a necessary application in this petition itself for its restoration and appropriate orders.

Needless to assert that this order shall not constitute any 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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

19.01.2024
Ak Sharma

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