

CWP-2413-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(104)**

**CWP-2413-2021
Date of Decision: 15.10.2024**

MAGNOLIAS FLATOWNERS ASSOCIATION AND ORS

...Petitioners

Versus

**DEPARTMENT OF TOWN AND COUNTRY PLANNING,
HARYANA AND ORS**

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present:- Mr. Vidur Mohan, Advocate
Mr. Prerak Khurana, Advocate
Mr. Ashit Kapoor, Advocate
Mr. Gurmandeep Sullar, Advocate for the petitioners.

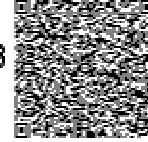
Mr. Ankur Mittal, additional A.G. Haryana with
Ms. Kushaldeep Kaur, Advocate
Mr. Pardeep Chahar, DAG, Haryana.

Mr. Randeep S. Rai, Sr. Advocate with
Mr. Rajeev Anand, Advocate and
Ms. Radhika Mehta, Advocate
for respondents No.2 and 3.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Tushar Sharma, Advocate
Mr. Akhilesh Barak, Advocate
Mr. Shaurya Khanna, Advocate
for respondent No.4.

SURESHWAR THAKUR, J. (Oral)

1. Learned counsel appearing for the respondents vehemently
urged before this Court that the instant writ petition thus, at this stage is

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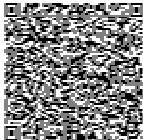
not maintainable. They further contended that therebys the writ relief cannot be granted to the present petitioners.

2. Learned counsel appearing for the respondents contended, that the present writ petitioners are required to be initially seeking the enforcement of the policy bearing No.Misc.-2157/7/16/2006-2TCP dated 28.01.2013, through theirs making a representation before the Director Town and Country Planning Department, Gurugram. Furthermore, they also submit that in case an adverse decision is made thereons, therebys the present petitioners have a further remedy of making an appeal there against before the Additional Chief Secretary, Town and Country Planning Department, Haryana.

3. In the wake of above since a remedy alternate to the instant writ relief is available to be availed by the petitioner. Consequently, the argument raised today before this court by the counsel for the respondents that therebys the instant petition is at this stage premature and also is not maintainable, thus, is accepted.

4. Consequently, the instant petition at this stage is declared to be pre-mature and is also declared to be not maintainable, but giving liberty to the present petitioners to immediately file a representation before the Director Town and Country Planning Department, Gurugram for seeking therebys enforcement of the policy bearing No. Misc.-2157/7/16/2006-2TCP dated 28.01.2013.

5. The said representation be filed within 2 weeks from today. The decision upon the said representation shall be made only after



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complete hearing becoming afforded to all the affected entities/persons concerned, but within 6 weeks from its preferment.

6. Furthermore, in case a decision adverse to the present petitioners is made on the said representation, thereupon the present petitioners may make an appeal before the Additional Chief Secretary, Town and Country Planning Department, Haryana. The said appeal shall be disposed of within three months but after hearing all the affected parties.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

October 15, 2024
mahima

Whether speaking/reasoned	Yes
Whether reportable	Yes/No