

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 3885 of 2024

Date of decision: 20.02.2024

Ran Dhir Singh

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Aman Redhu, Advocate, for the petitioner.
Mr. Ankur Mittal, Advocate and
Ms. Kushaldeep Kaur, Advocate
for the respondents-HSVP.

ARUN PALLI, J (Oral)

The ground floor of Flat No. 998, Housing Board Colony, Unitech Cyber Park, Sector 39, Gurugram, was allotted to Azad Singh. And, vide sale deed dated 13.01.2006, the petitioner purchased the said flat for a valuable consideration. The petitioner has prayed for a mandamus commanding the official respondents No.2 and 3 to stop un-authorized and illegal construction that is being carried out by respondent No.6 on the common roof of Flat No.998 and 997. Learned counsel for the petitioner, in reference to the order dated September 27, 2023 (P-6), submits that even the respondent authorities have taken cognizance of the un-authorized construction/encroachment being caused by the private respondent and while exercising powers under Section 51 (a) of Haryana Housing Board Act, 1971, required the respondent No.6 to remove the said encroachment/construction and clear the site within a specified time. It is urged that apparently the construction that was/is being raised by the respondent No.6 is in violation of Clause 2 (g) of Hire Purchase Tenancy Agreement. However, despite the order dated September 27, 2023, having been passed, the construction at site is in progress and the authorities have failed to intervene in the matter. So much so, even in response to the complaint made by the petitioner to the CM Grievances Redressal and Monitoring System, Haryana, it is stated that the matter is still under process. Thus, the approach of the respondent authorities is apparently

Insensitive.

Upon being served with an advance copy of the petition, Mr. Ankur Mittal, Advocate, for respondents is present in Court. At the outset, he submits that since the competent authority is already in seisin of the dispute, therefore, in the given circumstances, it would be expedient if this petition is disposed of, to enable the competent authorities, to deal with the concerns/grievances of the petitioner and pass appropriate orders in accordance with law. He submits that necessary orders shall be passed within four weeks from today after affording opportunity of hearing to all the stake holders.

Learned counsel for petitioner is agreeable to the course suggested by the learned counsel for respondents and submits that let this petition be disposed of in view of the statement made by him.

In the wake of the position sketched out above, this petition is accordingly disposed of in terms of the statement made by learned counsel for the parties.

This Court is sanguine that the authorities shall consider/examine the matter in issue, and pass appropriate orders, in accordance with law, within the time indicated by learned counsel for the respondents, assigning reasons in support thereof.

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 earlier, the competent authority shall examine the grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

20.02.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No