

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4677-2024

Date of decision: 04.03.2024

Karan Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Manoj Kumar Sood, Advocate,
for the petitioner.

Mr. Ankur Mittal, Additional A.G., Haryana,
Mr. Karan Jindal, AAG, Haryana &
Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur, Advocate,
for M.C. Faridabad.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:-

***“Civil Writ Petition under Article 226/227 of
the Constitution of India for issuance of a writ in the
nature of Certiorari for quashing the letter dated
12.2.2024 (Annexure P-13) whereby respondent
No.6 informed the petitioner that M.C. Faridabad is
not competent for approval of building plan of plot
of the petitioner.***

AND

***For issuance of writ in nature of Mandamus
directing respondents to sanction the building plan
submitted by petitioner through registered Architect
vide letter dated 4.1.2024 (Annexure P-10) to re-
construct the building.”***

Learned counsel for the petitioner submits that to construct a residential house upon a land measuring 400 square yards, owned by the petitioner, he had applied to the competent authority for necessary approvals/sanctions, after submitting building plans through his Architect, vide letter dated 04.01.2024. (P-10). However, vide communication dated 11.01.2024 (P-11), respondent No.6 conveyed to the petitioner that since the area sought to be constructed was below 1000 square yards, the necessary approval could only be obtained through a registered Architect, for which the petitioner was required to apply online. Further, the Municipal Corporation, Faridabad, was not competent and was not issuing residential building plans manually below 1000 square yards since year 2019. He asserts that again, the petitioner, vide a representation dated 26.01.2024 (P-12), brought to the notice of respondent No.6 that even though, the building plans were submitted by him through his Architect (Rakesh Vasudeva), who was registered with MCF (MCA Regd.No. CA/94/17500), the online portal did not accept the building plans of Sector 86, Faridabad. Accordingly, the petitioner requested that his building plans be approved, which were submitted manually on 04.01.2024. But, once again, respondent No.6, vide communication dated 12.02.2024 (P-13), reiterated the earlier position:

“You have also mention that the online portal does not accept the site plan of sector 86 Faridabad. In this regard you may contact HOBPAS Portal through your Architect. MCF is not competent for approval building plan of above said plot no.”

On the previous date of hearing, the matter was adjourned to enable learned counsel for the respondents to obtain instructions. Today, he submits that first the petitioner would have to obtain CLU from the competent authority and only thereafter, it would be viable to approve the building plans. However, he concedes that in none of the communications, referred to above, respondent No.6 even remotely indicated the aforesaid fact. Thus, it is urged that let the petitioner appear before the Joint Commissioner, Municipal Corporation, Faridabad (Old Zone), on 06.03.2024 at 11:00 AM, as regards his concerns/grievances.

And upon satisfying all the procedural requirements that are to be carried out in this regard, which the petitioner shall be apprised of, the competent authority shall pass/issue the necessary orders, in accordance with law, within a period of eight weeks therefrom.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents 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 appropriate orders shall be passed within the time indicated by the learned counsel for the respondents.

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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

04.03.2024
Ak Sharma

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