

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 5144 of 2024

Date of decision: 04.03.2024

**Punjab Judges and Officers Rural Cooperative
House Building Society Ltd.**

.... Petitioner

Vs.

State of Punjab and others

.... Respondents

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

Present: Mr. Karan Nehra, Advocate with
Mr. Yashpal Msarken, Advocate,
Mr. Mandeep Kaushik, Advocate and
Mr. Gurfateh Singh Sandhu, Advocate
for the petitioner.
Mr. Shekhar Verma, Addl. A.G. Punjab.

ARUN PALLI, J (Oral)

The petitioner (Punjab Judges and Officers Rural Cooperative House Building Society Limited) is engaged in providing affordable and safe housing plots to its members.

A certiorari is prayed for seeking cancellation of allotment letter dated 29.01.2021 (P-7) that has been issued by the Greater Mohali Area Development Authority (GMADA) (respondent No.3) to S.A. Global Private Limited (respondent No.11). It is submitted that respondent No.3 has been allotted a land measuring 4.5 acre, by way of auction, for a group housing project at Sector 77, S.A.S. Nagar. In essence, the grievance of the petitioner is that members of the petitioner society, who are living in the vicinity of the project (Home Land Regalia), were assured that no high rise buildings surrounding their houses/apartments would be accorded approval or would be permitted to come up contrary to the master plan, zoning plan as also the layout plan. Whereas, a 24 storey building has been constructed and construction work is still in progress. Learned counsel for the petitioner submits that the site, that has been allotted to respondent No.7, as per plan, was reserved for commercial purpose. Initially, he submits, it was allotted to Gurudwara Mata Sunder Kaur on September 30, 2011 (P-6), in apparent

violation of the site plan and thereafter to respondent No.11 in 2021. He asserts that the Department of Town and Country Planning, in the given circumstances, was obliged to carry out the station survey to alter the master plan, but no such exercise was carried out. Further, vide communication dated September 26, 2023 (P-19), Real Estate Regulatory Authority, Punjab has conveyed that it had granted registration to the project on the basis of the documents that were submitted by the promoters and approval that had been granted to the project by GMADA. It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities with a representation dated 09.03.2024 (P-14), which had been referred to the Chief Administrator, GMADA, by the Municipal Corporation, S.A.S. Nagar on 26.05.2023 (P-16) and by Directorate of Town and Rural Planning on 15.06.2023 (P-17). He submits that even Principal Secretary, Housing and Urban Development, Punjab is in seisin of the matter pursuant to the representation (*ibid*). But, to no avail.

Served with an advance copy of the petition, Mr. Shekhar Verma, Additional Advocate General, Punjab, is present in Court on behalf of respondents No.1 to 10. At the outset, on instructions, he submits that since the respondent authority is already in seisin of the matter, it would be expedient if this petition is disposed of, at this stage, to enable the competent authority, to deal with the concerns/grievances of the petitioner and take necessary measures, if required, in accordance with law. Further, he submits that before any formal decision is reached, the petitioners, through its authorized representative, as also the other stake holders, would also be afforded a hearing. He fairly submits that the petitioner shall be at liberty to submit any fresh material/documents to substantiate its claim, provided the necessary documents are furnished within a week from today.

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. However, he submits that the matter being time sensitive, the authorities be directed to consider and decide the issue within a specified time.

To this, learned Additional Advocate General, Punjab, submits

that necessary orders shall be passed within eight weeks from today.

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

04.03.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No