

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

CWP-7021-2024

Date of decision: 01.05.2024

Rekha Vats and others

....Petitioners

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Sandeep Suri, Advocate,
for the petitioners.

Mr. Ankur Mittal, Addl. Advocate General, Haryana, and
Mr. Karan Jindal, Assistant Advocate General, Haryana,
Ms. Kushaldeep Kaur, Advocate.

ARUN PALLI, J. (Oral)

A Mandamus is prayed for, commanding respondents No.1 to 3, to take suitable action against respondents No.4 (M/s Oasis Landmarks LLP) and 5 (M/s Godrej Green Estate), for having acted in connivance with respondent No.6 (Chief Engineer, Haryana Shahari Vikas Pradhikaran), by issuing occupation/completion certificate to respondent No.4. And also directing the official respondents to cancel the occupation/completion certificate dated 29.03.2023 (P-19), that has been granted to respondent No.4 qua the project called 'Godrej Green Estate', situated at Sector-34, Sonapat.

In essence, the grievance of the petitioners is that the occupation/completion certificate was issued in favour of respondent No.4, without carrying out the necessary exercise and due diligence, and thus, is in apparent/gross violation of the specified conditions.

Pursuant to our order dated 23.04.2024, an affidavit of Director Town & Country Planning, Haryana, on behalf of respondents No.1 to 3, has been filed in the Court today and the same is taken on record. Copy furnished. In the said affidavit, it is maintained that official respondents had issued the completion certificate, after obtaining necessary reports from District Town Planner, Sonipat, Senior Town Planner, Rohtak, and Chief Engineer, HSVP, Panchkula. And it was confirmed that all internal roads, including 45 meter wide sector dividing road, already stood constructed. Further, all public health services and the necessary infrastructure were put in place and are functional at site. Whereupon, the Superintending Engineer, HVPNL, Panchkula, had recommended the matter for issuing the completion certificate, vide letter dated 24.03.2023. Therefore, the action taken by the authorities is preceded by all necessary sanctions/approvals.

We had heard the matter at some length, when during the course of hearing, learned counsel for the parties have reached a consensus: if the petitioners still have any concerns/grievances, that are alleged to be undressed, the authorities would examine the same. Accordingly, it is submitted that let the petition be disposed of, at this stage, to enable the petitioners to appear before the Director, Town & Country Planning, Haryana, on 13.05.2024 at 11:30 AM. It is also agreed that the petitioners shall be at liberty to furnish any fresh material/evidence, in support of their claim, within one week from today. Whereupon, given the nature of the dispute, the competent authority shall pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within four weeks from today.

In the wake of the position sketched out above and the consensus that has been arrived at between the learned counsel for the parties, the petition is, accordingly, disposed of.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And a comprehensive order, citing reasons in support thereof, shall be passed within the time indicated by the learned State counsel.

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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

01.05.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No