

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-9583-2024(O&M)
Date of decision: 29.04.2024

Sunita Gupta

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Amit Jhanji, Senior Advocate, with
Mr. Saksham Bhayana, Ms. Nikita Garg, and
Mr. Raghav Mehdiratta, Advocates,
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Ms. Kushaldeep Kaur, Advocate,
for the respondents.

ARUN PALLI, J. (Oral)

A certiorari is prayed for, to quash the reply dated 20th October, 2023 (P-13), furnished by respondent No.2 (Department of Town & Country Planning Haryana), vide which the application of the petitioner dated 16th September, 2023, seeking approval of her building plans for plot No.16, Block-B, Eden Burg City, Phase I, Sector 91, Faridabad (earlier known as Okhla Enclave), under Self Certification Policy of the amended Haryana Building Code, 2017, has since been rejected.

At the outset, learned Senior counsel for the petitioner has drawn our attention to the reasons that formed basis of the order dated 20th October, 2023:

“On the subject cited above, it is intimated that the documents along with application for approval of Building plan of subjected plot has been examined and observed that subjected

plot is not included in the list of 453 & 492. As per the above said facts, your application for approval of building plan of the subjected plot cannot be considered under self certification policy/provisions of the amended Haryana Building Code, 2017.” (page 407 of the paper-book).

Therefore, he asserts that *ex facie* the impugned order is non-speaking and cryptic.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana is present in Court on behalf of the respondents.

At the outset, he as always fairly submits that apparently the matter does not appear to have been examined in the right earnest, for the issues that arise for consideration have not been dilated upon. Thus, he submits it would not be feasible for him to defend the impugned order. Accordingly, he, on instructions, submits that the competent authority shall pass a fresh order, after affording an opportunity of hearing to the petitioner. Further, he submits that the petitioner shall also be at liberty to support/supplement her claim by furnishing any fresh material/documents on the appointed date itself, if so advised. Which shall be taken cognizance of by the competent authority before passing appropriate orders, as indicated above. Therefore, he submits that the petitioner or her authorized representative may appear before the competent authority (District Town Planner, Faridabad) on 06.05.2024 @ 11:00 am.

That being so, learned Senior counsel for the petitioner submits that let this petition be disposed of in the wake of the statement made by learned State counsel. However, he submits the authorities be directed to pass the necessary orders as expeditiously as possible.

To which, learned State counsel submits that the required orders shall be passed within a period of three months from today.

In the wake of the position sketched out above, and in terms of the statements made by learned counsel for the parties, the petition stands disposed of.

This Court is sanguine that the competent authority shall re-visit the matter in issue in the right earnest, and pass a comprehensive order assigning reasons in support thereof, within the time indicated by learned State counsel.

However, it is made clear 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

29.04.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO