

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 9632 of 2024

Date of decision: 30.04.2024

**Diplomatic Greens Residents
Welfare Association (Regd.)**

.... Petitioner

Vs.

**The Director Town and Country Planning
(Haryana) and others**

.... Respondents

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

Present: Mr. Rakesh Khanna, Advocate
Mr. Rohan Khanna, Advocate and
Mr. Jagatvir Singh Dhindsa, Advocate for the petitioner.
Mr. Ankur Mittal, Additional Advocate General, Haryana with
Ms. Kushaldeep Kaur, Advocate.
Mr. Aashish Chopra, Senior Advocate with
Mr. Yash Pal Sharma, Advocate
for respondent No.3.
(Through hybrid mode)

ARUN PALLI, J (Oral)

Petitioner is the association of owners of apartments of Group Housing Colony (Diplomatic Greens), Sector 110-A and 111, Gurugram. And is aggrieved by the approvals granted by the Director Town and Country Planning, Haryana, to the unilateral reduction of the area of the Group Housing Colony (GHC) from 16.3135 acres to 15.451 acres, on the basis of the rectification deed dated 19.07.2022 (P-22), executed by M/s Puri Constructions Pvt. Ltd. (respondent No.3) and M/s Natureville Promoters Pvt. Ltd. (respondent No.4).

Learned counsel for the petitioner submits that rectification of the original deed of declaration, dated 11.11.2016 (P-15), executed under Section 11 of the Haryana Apartment Ownership Act, 1983, (1983 Act), after six years, is apparently erroneous. Further, action of the respondent authorities is also unsustainable owing to apparent violation of Section 6 of 1983 Act, for consent of all apartment owners was not obtained. It is urged that GHC was constructed over an area measuring 21.01875 acres under

License No.55/2010 (P-3); 87/2012 (P-7) and 33/2013 (P-8). And, lay out was sanctioned on 19.02.2015 (P-13) for a single composite colony, without any indication as to development in phases. The occupation certificate, dated 29.08.2016 (P-11), was also issued for 437 apartments. Therefore, he asserts that as a result of the amended declaration, a revised lay out dated 15.05.2020, which is being assailed in these proceedings, and also the revised building plan of Phase-B dated 02.01.2024 (P-28), was executed on the land already sold. Therefore, he submits that partition of the common area between Phase-A and Phase-B, is in violation of Section 6 (3) of 1983 Act. It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities with a complaint dated 15.03.2024 (P-26), but to no avail. Thus, in the given circumstances, he submits that private respondents be restrained from alienating any property in the Group Housing Diplomatic Residences or creating any third party rights in the land declared in the deed of declaration dated 11.11.2016, falling within the area of Group Housing Diplomatic Greens.

Yesterday, when the matter was taken up, learned Additional Advocate General, Haryana, had sought time to seek instructions and to ascertain the status of the complaint dated 15.03.2024 (*ibid*), that was purportedly pending before the competent authority. Accordingly, he, on instructions, submits that since the Director Town & Country Planning, Haryana, is already in seisin of the complaint submitted by the petitioner, 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, as sought to be raised in this petition, in the first instance. He submits that the petitioner as also the private respondents may appear before the Director Town and Country Planning, Haryana on 03.05.2024 at 11.30 AM. Whereupon, the competent authority shall consider the claim of the petitioner and pass appropriate orders in accordance with law. Further, the petitioner shall also be at liberty to furnish any fresh material/evidence to support/supplement its claim, which shall be taken cognizance of, while passing the formal orders by the competent authority. As regards the interim orders that are being prayed for by the petitioner, he submits that to avert any further complications, the competent authority shall consider the matter

and pass necessary orders/directions in this regard, after hearing the authorised representative(s) of the petitioner as also the private respondents, on 03.05.2024 itself. However, if for any plausible reasons, the competent authority does not find it feasible to pass such orders on the said date, it shall take up the matter on the following day, to secure the interest of all the stakeholders.

Learned counsel for the petitioner as also the private respondents further submit that given the nature of the dispute, the competent authority be directed to consider and finally decide the matter within a specified time.

To this, learned State counsel submits that the competent authority would make every possible endeavour to decide the matter, as expeditiously as possible, preferably within four weeks from today.

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

This Court is sanguine that the authority shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned State counsel, 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

30.04.2024
deepak/Ak Sharma

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