



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 13261 of 2024

Date of decision: 30.05.2024

Green Residential Welfare Association

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Shalender Mohan, Advocate, for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Green Residential Welfare Association) 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 Mandamus directing the respondents to provide the drinking water to the petitioners from the water works instead of underground water which is not potable which is the basic requirement of daily use and by not providing the same is also violation of fundamental rights, as per the facts and circumstances of this case, in the interest of justice.

Further Prayer for issuance of a writ in the nature of mandamus directing the respondents to connect the pipeline of Sector-5, Hansi with water works which is adjacent to the sector and to provide the water through water works instead of underground water, in the interest of justice.

Further Prayer for issuance of a writ in the nature of mandamus directing the respondents to provide basic amenities like street lights, repairing of roads, cleaning of bushes, repairing of parks, removing of stray animals, removing of garbage being dumped by the milk diaries adjacent to the sector which is not sustainable in the eyes of



law, as per the facts and circumstances of this case, in the interest of justice.

Further Prayer for issuance of a writ in the nature of mandamus directing the respondents to decide the representation/legal notice dated 20.03.2024 and reminder dated 15.04.2024 (Annexure P-8 & P-9) within stipulated time period before issuance of any further advertisements in the interest of justice.

Learned counsel for the petitioner submits that a land measuring 229.13 acres was acquired by the State Government to develop commercial and residential Sectors 3, 5 and 6 at Hansi, vide notification dated 29.08.2006. He submits that Estate Officer, Haryana Urban Development Authority, HUDA Complex, Sector 13, Hisar (respondent No.3) invited applications on 13.10.2010 for allotment of plots in Sector 5 and 6 (Part-II), Hansi under different categories. He submits that more than 40 houses have since been constructed but to date basic amenities, such as drinking water, sewerage, roads, electricity, parks, street lights etc., have not been provided. In reference to the averments set out at page 31 of the petition, he submits that Department of Public Health, vide its report dated 28.08.2023, has declared that the available water at site is not potable as it has high PH levels, therefore, not safe for drinking. It is urged that even repeated representations dated 19.10.2020 to respondent No.3, 10.12.2021 to CM Window, 13.11.2021 to concerned MLA, 01.03.2023, 10.03.2023, 19.03.2023, 22.03.2023, 06.04.2023 and 04.03.2024 to respondent No.3, have failed to evoke any response. Thus, this petition.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, is present in Court on behalf of respondents-HSVP. At the outset, he, on instructions, submits, that the matter is already under active consideration of the competent authority and the required measures to assuage the concerns/grievances of the petitioner, as sought to be raised in this petition, are being taken. Therefore, he submits that let this petition be disposed of, at this stage, to enable the competent authority to conclusively address the concerns/grievances of the petitioner and also the legal notices dated 20.03.2024 (P-8) and 15.04.2024 (P-9). Further, he submits that before



any such orders are passed, authorized representative of the petitioner shall also be afforded an opportunity of hearing. And a formal communication in this regard will be served upon it, well in advance.

Learned counsel for the petitioner is agreeable to the course suggested by the learned counsel for the respondents-HSVP and submits that let the petition be disposed of in terms of the statement made by him. However, he submits that the matter being time sensitive, the competent authority be directed to consider and finally decide the matter within a specified time.

To this, learned counsel for the respondents-HSVP submits that the necessary orders in this regard shall be passed within six 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 counsel for the respondents-HSVP, 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

30.05.2024
deepak

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