

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

CWP-21296-2016

Date of decision : 13.02.2024

**Omaxe Forest Spa Residents Welfare Association
through Rohit Mundra**

.... Petitioner

Vs

State of Haryana and others

.... Respondents

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

**Present: Mr. D.S. Patwalia, Sr. Advocate with
Ms. Alisha Sharda, Advocate
for the petitioner.
Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Karan Jindal, Asstt. A.G. Haryana and
Ms. Kushaldeep Kaur, Advocate
Mr. Aashish Chopra, Sr. Advocate with
Mr. Varun Aryan Sharma, Advocate
for the respondent No.4.**

ARUN PALLI, J (Oral)

The petitioner (Omaxe Forest Spa Resident Welfare Association) has prayed for the following substantive relief :

**“Civil Writ Petition under articles 226/227 of the
Constitution of India seeking issuance of appropriate writ,
order or direction in the nature of Mandamus or certiorari
or any other appropriate writ for enquiring and quashing
the sanction of the revised building plan dated 03.12.2013
(Annexure P-3) and for consequential reliefs.**

AND

**Writ petition under article 226 of the Constitution of India
seeking issuance of appropriate writ, order or direction in
the nature of mandamus or any other appropriate writ
commanding the respondents to remove all the illegal
constructions and demolish any existing structure or
construction whichever is not in accordance with the**

original sanctioned plan outlay dated 18.05.2007 (Annexure P-4).

AND

With a further prayer to direct the respondents, their their agents and officials to maintain status quo in respect of and including but not limited to any building plan, structure, building, flat, apartment, office, institute, unit, centre, facility, utility and common area till the final disposal of the present Petition.

AND

Restrain the respondents Nos. 5 and 6 from commencing the operation of their schools and from opening the admission process till the final disposal of the present Petition.

AND

To restrain the Respondent No.3 from transferring, selling, alienating, encumbering and disposing of any of the illegal structures, constructions, buildings, flats, apartments, offices, institutes, units, centres, facilities and utilities.”

Learned Senior counsel for the petitioner submits that apparently, the revised building plan dated 03.12.2013 (P-3), sanctioned by the competent authority, is invalid, for it was approved dehors the original sanctioned lay out plan dated 18.05.2007 (P-4). He submits that the petitioner, despite being a necessary party, was not afforded any opportunity of hearing before the impugned order dated 03.12.2013, sanctioning the revised plan, was passed. He asserts that prior to the institution of this petition, the petitioner had even served the respondents with a representation dated 20.06.2016 (P-9) qua its concerns/grievances, but to no avail. So much so, to date, the said representation has not been responded to.

Although, replies on behalf of the respondents have already been filed, however, learned Additional Advocate General, Haryana, submits that in the given circumstances, it would rather be expedient if this petition is disposed of, at this stage, to enable the respondent No.2 (competent authority) to take cognizance of the concerns/grievances of the petitioner, as

raised in the petition. And pass necessary orders on the representation, which purports to be pending before the respondent authorities, within eight weeks from today. He submits that before any such order is passed, all the stake holders would be heard.

Learned Senior counsel for the petitioner as also for respondent No.4 are in agreement with the course suggested by the learned Additional Advocate General, Haryana. Accordingly, it is urged that let this petition be disposed of in terms of the statement made by learned Additional Advocate General, Haryana.

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

This Court is sanguine that the authorities shall pass appropriate orders, within the time indicated by the learned Additional Advocate General Haryana, assigning reasons in support thereof. However, the petitioner shall be at liberty to place any fresh material/evidence, if so advised, to supplement/support its claim, provided the necessary documents are submitted within a week from today.

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 above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

13.02.2024
deepak

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