



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17128-2018 (O&M)
Date of Decision: 24.07.2024

Saroj and OthersPetitioners
Versus
State of Punjab and OthersRespondents

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

Present: Mr. H.C. Arora, Advocate and
Ms. Sunaina, Advocate for the petitioners.

Mr. Ashish Grover, Advocate for respondent No.3.

Mr. Vaibhav Narang, Advocate for respondent No.5.

Ms. Lishika Mehta, Advocate for
Mr. Sameer Sachdeva, Advocate for respondent No.6.

VIKRAM AGGARWAL, J.

CM-2775-CWP-2024

Prayer in the present application preferred under Section 151 C.P.C. is
for placing on record the additional affidavit on behalf of respondent No.6.

For the reasons mentioned in the application, the same is allowed and
the additional affidavit on behalf of respondent No.6 is taken on record. The Registry
is directed to tag the same at an appropriate place on the case file.

CWP-17128-2018

1. The petitioners have prayed for the following substantive relief:-

*“Civil Writ Petition under Article 226 of the Constitution
of India, for seeking the issuance of a Writ of Mandamus, or
any other appropriate writ, direction or order, for directing the
respondents to ensure the connection of the sewerage line in
"Jalandhar Vihar" Colony, Kapurthala Road, Jalandhar with
the main sewerage system of Jalandhar, and also to ensure the
re-carpeting of the internal roads of the aforesaid Jalandhar
Vihar Colony, and also to maintain and repair the street light
system, in view of their pathetic condition, inter-alia, for the*



reasons that (i) the Jalandhar Vihar Colony was set up in 1996, and in the absence of connection of the sewerage pipe line of Jalandhar Vihar Colony with the main sewerage system of the city, the sewerage water is collecting in the open areas thereby polluting the entire atmosphere and making such open grounds over-flowing with sewerage water prone to dangerous diseases; (ii) and also for the reason that the internal roads of the colony which were constructed in 1996/1997, have not been re-carpeted till date, despite their pathetic condition, which is visible from the photographs being attached with the instant Civil Writ Petition.”

2. On 30.01.2024, this Court had passed the following order:-

“The matter is pending since 2018. Upon being pointedly asked, as to what is the current position at site as regards the internal and external developments in the area in question, learned counsel for respondent No.4 pleads his inability to respond.

He prays for a short accommodation to furnish a specific affidavit of the Commissioner Municipal Corporation, Jalandhar, a week prior to the adjourned date with an advance copy to the counsel opposite. Other respondents too, if so, advised may also file their affidavits in this respect.

Adjourned to 19.02.2024.

To be taken up immediately after urgent matters.”

3. In compliance of the said order, affidavit 13.02.2024 of the Commissioner, Municipal Corporation, Jalandhar was filed as per which the site in question i.e. Jalandhar Vihar Colony was physically inspected upon which it transpired that there are 15 parks in existence in the colony. As per the affidavit, the parks are in a bad condition, the details of which have been given in the affidavit. So is the condition of the roads which were also inspected by the Buildings and Roads Branch of the Corporation. As regards street lights also, it has been reported that the



street lights are not working. The affidavit further states that in fact a complaint had been filed by the Municipal Corporation, Jalandhar against the builder (respondent No.6) on 17.08.2019 for the violation of provisions of Punjab Apartment and Property Regulations Act, 1995 (PAPRA) and that the same was pending.

4. Today during the course of hearing, it has been submitted that a speaking order dated 13.03.2024 was passed by the Commissioner, Municipal Corporation, Jalandhar as per the which the promoter builder has been called upon to deposit EDC, to revalidate and furnish the bank guarantee, to get the completion certificate after renewal of license and to immediately complete the internal development works. A copy of the said order was produced in the Court and that the same is taken on record as Mark ‘X’. It has also been submitted that against that order, an appeal has already been preferred by the promoter builder (respondent No.6) and the same is pending adjudication before the Appellate Authority.

5. Faced with this, learned counsel for the petitioners submits that he may be permitted to withdraw the writ petition with liberty to move a requisite application to join as parties in the said appeal/proceedings and to avail such other remedies as may be admissible in law.

Keeping in view the statement given by learned counsel for the petitioners, the writ petition is dismissed as having been withdrawn with liberty aforesaid.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

24.07.2024
Prince Chawla

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