



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 16484 of 2024

Date of decision: 23.07.2024

Jai Bagwan Gondia

.... Petitioners

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Dhiraj Chawla, Advocate
for the petitioners.
Mr. Ankur Mittal, Addl. A.G. Haryana with
Mr. Karan Jindal, Asstt. A.G. Haryana.
Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate
for the respondent-HSVP.

ARUN PALLI, J (Oral)

Learned counsel for the parties submit that considering the nature of issue that requires determination by this Court, Housing Board, Haryana as also Municipal Corporation, Faridabad, would be necessary parties, thus be arrayed as such.

Accordingly, Housing Board, Haryana and Municipal Corporation, Faridabad are arrayed as respondents No.7 and 8.

Office is directed to carry out necessary corrections in the memo of parties.

In terms of our order dated July 19, 2024, affidavit of the Estate Officer, HSVP, Faridabad, filed today in Court, is taken on record. Copy furnished.

Learned counsel for the respondents, with reference to the averments set out in paragraph 4, 5 and 6 of the said affidavit, submits that on receipt of the complaints filed by the petitioner, the competent authority had taken cognizance of the matter in issue and show cause notices were issued to the allottees of plots/sites that were mentioned in the complaint, falling under the jurisdiction of the respondents, to stop the commercial



activities in the shape of running “Paying Guests” (PGs) accommodation immediately. Further, a survey has also been conducted by the Sub Divisional Engineer (Survey), HSVP, Faribabad and as per the survey report, certain properties upon which PGs are running without approval/sanction of the competent authority, notices have also been issued. However, as certain plots/sites indicated in paragraph 5 of the affidavit (*ibid*), were not found mentioned in the layout/demarcation plan of the respective sectors, the authorities have expressed their inability to initiate suitable action.

Further, it is averred that every possible measures were taken by the respondent authorities and periodic visits have also been carried out to ensure that no such activity takes place even in future without necessary approval/sanction. And, in the event, the PG accommodations that are being run without necessary permission of the competent authority are not stopped, appropriate orders in accordance with law would be passed against the allottee/owner(s) of the site/plot(s). Even notices for resumption of the properties have also been issued:

“4. That it is respectfully submitted that in compliance of the aforesaid order, present affidavit is being filed thereby placing before this Hon’ble Court the steps taken pursuant to receipt of the complaints. It is submitted that after receipt of the complaints from the petitioner, cognizance was taken and the notices were issued to the allottees of the plots as mentioned in the complaint and falling under the jurisdiction of the answering respondent to stop the commercial activity in the shape of running PG immediately in plots in question. The details of the notices given are being annexed herewith as Annexure R-1 for the kind perusal of this Hon’ble Court.

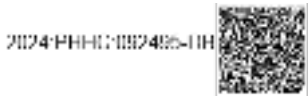
5. That recently as well the survey was conducted by the Sub Divisional Engineer (Survey), HSVP, Faridabad and as per latest survey report, in plot no.227/19, Plot no.691/16A and plot no.2091, 2108, 2102/28 PG was still running and in plot no.1731/55, ESI dispensary



has been running without any approval of the competent authority. Plot no.1029, Sector 21A, 968 Sector 21A, 1009 Sector 21A, 2323/31 are not mentioned in layout-cum-demarcation plan of the respective sectors and plot no.1003/Sector 21C, 34/ Sector 23, 2323/Sector 28, 2212/Sector 28 falls under the jurisdiction of Housing Board Colony/Municipal Corporation, Faridabad and thus, answering respondent is not the competent authority to take action in that regard. Accordingly, the mis-use of property has been updated in the official record and appropriate action would be taken in accordance with law if the misuser is not rectified. True Copy of survey report and notices issued to the allottee of plot no.691, sector-16, and plot no. 2091, 2108, 2102, Sector-28, Faridabad are being annexed herewith as Ananexure R-2 and Annexure R-3 respectively for the kind perusal of this Hon'ble Court.

6. That it is respectfully submitted that the deponent is taking all necessary action which are required to be taken in accordance with law. Periodic visits would be carried out to ensure that no such activity takes place without getting the required permission. The deponent undertakes to comply with the directions which this Hon'ble Court may deem fit to pass in the given facts and circumstances of the case at hand."

Learned counsel for the respondent-HSVP submits that as plot Nos.1003, Sector 21-C; 34, Sector 23; 2323 and 2212, Sector 28, fall within the jurisdiction of Housing Board Colony/Municipal Corporation, Faridabad, which have been arrayed as respondents No.7 and 8 today, necessary measures, in accordance with law, if necessary, would also be taken, in the event the said sites are being misused by the allottees/owners without formal permission by the competent authority.



That being so, learned counsel for the petitioner submits that in the wake of the affidavit that has been filed today by the Estate Officer, Faridabad, as also the statement made by the learned counsel for the respondents, let the petition be disposed of, at this stage, to enable the respondents to discharge their statutory obligations and take suitable measures.

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.

However, if any fresh cause of action arises in future, the petitioner shall be at liberty to file a fresh petition, if so advised.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

23.07.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No