

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

CWP No.6151 of 2014 (O&M)

Date of Decision :22.04.2024

Rajshekhar Rao and others

.....Petitioners

Versus

State of Haryana and others

..... Respondents

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

Present : Mr. Animesh Sharma, Advocate for the petitioners.

**Mr. Ankur Mittal, Addl. A.G. Haryana with
Ms. Kushaldeep Kaur, Advocate
for respondents No.1 and 2.**

Mr. Deepak Balyan, Advocate for respondent No.3.

Mr. Pawandeep Singh, Advocate for respondent No.4.

ARUN PALLI, J. (Oral):

The petitioners have prayed for the following substantive relief:-

**“Civil writ petition under Articles 226/227 of the
Constitution of India, praying for the issuance of a writ,
order or direction, especially for the issuance of a writ for
mandamus directing the official respondent as well as
respondent No.4 to provide for the basis and essential
amenities of sewage disposal and trunk water supply, which
have not been available to the petitioners since several
years, despite the various directions issued by the Hon’ble
Punjab & Haryana High Court in CWP No.21192 of 2011
titled as Surya Vihar Residents Welfare Association v State
of Haryana and others and despite the payment of all
External Development Charges as well as several requests
and representations**

And

Issue a writ in the nature of mandamus directing the official respondents to prevent the flagrant violation of the approved building plan of the Surya Vihar Residential Complex, to provide the mandatory green belt as per the requirements and of the provisions of community greens, to stop sale of open parking and to comply with other such approved conditions in the building plan, which have not been complied with despite assurances and commitments made by the official respondents as well as the builder in CWP No.21192 of 2011;

AND

Issue a writ in the nature of mandamus directing the official respondents to remove the extensive illegal construction carried out by the respondent No.4 in the set back as well as the demarcated/community green area

AND

Issue a writ in the nature of mandamus directing the official respondents to stop further construction work and sale of units in Surya Vihar Residential Complex and not to grant the further occupation certificates to the Surya Vihar Residential Complex till such time as the basic amenities for the existing blocks are provided and the illegal construction carried out in violation of the approved building plan is removed and direct the State authorities not to grant permission to construct F building in view of flouting the terms and conditions of the original construction licence.”

Learned counsel for the petitioners submits that the petitioners are residents of Surya Vihar, residential colony, Sector 21 Gurugram. He submits that the limited grievance that they have is that despite having remitted the External and Internal Development Charges (EDC and IDC) as back as in the year 1990, the promoter/builder (respondent No.4) failed to lay the sewerage

line as also the water pipes so as to ensure that the allotted apartments were even habitable. Rather, M/s. Make Waves Sea Resort Pvt. Ltd. (respondent No.4) had carried out illegal construction not only on the community greens but also within the compound of the society. He submits that the matter is pending before this Court for over a decade and in the interregnum, numerous orders have been passed from time to time. And, being mindful of the situation, the petitioners were faced with, this Court had recorded scathing observations in its order dated 11.12.2017. But yet very little was achieved on the ground. He submits that today, after years, respondent No.4 has been able to lay the sewer lines and set up a sewerage treatment plant. Further, the infrastructure for supply of water to the residents is also in place. But yet there are issues which need to be resolved urgently. Like, against the required quantity of water i.e. 5.75 lakh cubic litres, only 55,000 litres is being released. It is urged that essentially, it is Haryana Shehri Vikas Pradhikaran and the Director, Town and Country Planning, which need to take cognizance of the situation and take necessary measures to assuage the concerns/grievances of the petitioners. Particularly when learned counsel for respondent No.4 submits that whatever was required to be done at the end of the promoter/colonizer has already been executed.

In response, learned Additional Advocate General, Haryana, appearing for respondents No.1 and 2 submits that in the wake of the issues that are yet to be resolved/addressed, it would rather be expedient, if the petition is disposed of to enable the HSVP as also the Department of Town and Country Planning to conclusively examine the matter and take necessary measures. Rather, in the given situation, it is urged that it would be appropriate if the petitioners also submit a comprehensive representation qua

their concerns and the precise grievances within a period of two weeks from today. Whereafter, they shall also be heard by the concerned authorities before taking any formal decision in the matter. He submits that as the petitioners shall have to appear before two different authorities, as indicated above, both the departments shall co-ordinate inter se and also with the petitioners in this regard before issuing a formal communication to the petitioners regarding the date, time and the venue for the purpose of hearing.

To this, learned counsel for the petitioners submits that let the petition be disposed of in the terms of assurance given by the learned Additional Advocate General, Haryana. And, the petitioners shall move the concerned departments by submitting the necessary representation as regards the issues that are still unaddressed within the time indicated above. However, he submits that as a considerable time has already elapsed and the matter being time sensitive, the respondents be directed to finally conclude the matter within a specified time.

To this, learned Additional Advocate General, Haryana, submits that soon after the competent authority receives any such representation, it shall make every possible endeavour to decide the matter as expeditiously as possible, preferably within three months, in accordance with law.

Accordingly, in the wake of the position sketched out above as also the statements made by learned counsel for the respective parties, the petition is accordingly disposed of.

This Court is sanguine that as assured by learned Additional Advocate General, Haryana that the competent authority shall examine the matter in the right earnest and provide a quietus to the matter to the satisfaction of all the stakeholders in accordance with law.

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 authority shall examine the grievance of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

22.04.2024
Manoj Bhutani

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