



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 20091 of 2024

Date of decision: 21.08.2024

Mahesh Malik

.... Petitioner

Vs.

State of Haryana and others

.... Respondents

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

Present: Mr. Yaseen Sethi, Advocate, for
Mr. Sarthak Gupta, Advocate
for the petitioner.

ARUN PALLI, J (Oral)

The petitioner (Mahesh Malik) has prayed for the following
substantive relief:

***“Civil Writ Petition under Article 226/227 of the Constitution
of India for issuance of:***

- i. Writ, order or direction in the nature of mandamus
directing respondent No.1 & 2 to take action and pass
an appropriate and speaking order in the complaint
dated 26.10.2023 filed on 06.11.2023 (Annexure P-7)
filed by petitioner against respondent No.3 in a time
bound manner.***
- ii. Writ, order or direction in the nature of mandamus
directing respondent No.1 & 2 appoint such engineer or
such person and get the inspection of the project in
question so that corrective measures be taken.”***

Learned counsel for the petitioner submits that even though the
compliant dated November 06, 2023 (P-7) filed by the petitioner is pending
consideration before the Director General, Town and Country Planning,
Haryana (respondent No.2) and a considerable time has elapsed, the matter
has not made any tangible progress. Thus, this petition.



Served with the advance copy of the petition, Mr. Ankur Mittal, Additional Advocate General, Haryana, is present in Court, on behalf of respondents No.1 and 2, and Mr. Rajeev Anand, Advocate with Ms. Radhika Mehta, Advocate, is present on behalf of respondent No.3.

At the outset, learned counsel for respondent No.3 submits that the petitioner, in fact, has also moved the Haryana Real Estate Regulatory Authority, Gurugram, wherein he has prayed for a direction to respondent No.3 (DLF Homes Developers Limited) to obtain completion certificate and offer possession of the subject unit. Further, he has also prayed for the delayed interest at the prescribed rate etc. He submits that the matter is now posted for September 10, 2024, for final arguments. However, he asserts that this factual background is not even disclosed in the petition. He asserts that on the one hand, the petitioner, as indicated above, is praying for a direction to respondent No.3 to obtain the completion certificate and hand over possession, whereas, on the other, in the petition at hand, he is praying for cancellation of licence granted to respondent No.3. Therefore, there is a serious contradiction in what the petitioner is praying for in two separate proceedings that are parallelly being pursued. Hence the petition deserves to be dismissed with exemplary costs.

As regards, respondents No.1 and 2, learned Additional Advocate General, Haryana, submits, for, the competent authority is already in seisin of the complaint made by the petitioner, necessary orders, in accordance with law, shall be passed thereon, as expeditiously as possible, preferably within six weeks from today.

That being so, learned counsel for the petitioner submits that nothing substantive survives in the petition and the same be disposed of in terms of the statement made by learned State counsel.

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 above, 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

21.08.2024
deepak

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