



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-23605-2024

Date of decision: 17.09.2024

Rakesh Kumar Sharma

....Petitioner

Versus

Haryana Shehri Vikas Pradhikaran (earlier Haryana Urban Development Authority) and another

....Respondents

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

Present: Mr. Anish Setia, Advocate, and
Mr. Surinder Singh, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (Rakesh Kumar Sharma) has 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 in the nature of Certiorari for quashing the Clause 5.6 of the Guidelines contained in Annexure P-6 regarding Registration of independent floors issued by the Chief Administrator, Haryana Shehri Vikas Pradhikaran (earlier Haryana Urban Development Authority), vide Memo. No.A-PHK-UB-I/2009/6552-83 dated 13.03.2009 as the restriction in Clause 5.6 contains the proforma which are to be enclosed by the Seller while executing the Sale Deed, especially the proformas IF-SI to IF-SV, so far as it requires the signatures of all declarants i.e., owners of each independent floor which deprive the petitioner the right to property being violative of Article 300-A of the Constitution of India.*”**



To issue a Writ in the nature of Mandamus declaring the Proformas IF-SI to IF-SV to be directory and not mandatory as these Profoarmas deprive the petition the right to property AND to direct the respondent no.1 to delete/expunge the condition of providing 'One Time Password' (OTP) by co-owner i.e. respondent no.2."

Learned counsel for the petitioner submits that prior to the institution of this petition, the petitioner had even served the respondent authorities with a legal notice dated 09.08.2024 (P-7), as regards his concerns/grievances. But to no avail.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. At the outset, he submits, for the competent authority is already in seisin of the concerns/grievances of the petitioner, it would rather be expedient if the petition is disposed of, at this stage, to enable the authorities to consider and pass necessary orders on his legal notice (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall be heard. And a formal communication, in this regard, shall also be issued to him, well in advance.

Learned counsel for the petitioner is in agreement with the course suggested by learned counsel for the respondent-HSVP and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful, within a specified time.

In response, learned counsel for the respondent-HSVP submits that appropriate orders shall be passed within a period of three weeks from today.

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

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by learned counsel for the respondent-HSVP.



Needless to assert that this order shall not constitute any 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

17.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No