



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

**CWP No.32124 of 2019 (O&M)
Date of Decision :17.09.2024**

Future Duro Build Pvt. Ltd.

.....Petitioner

Versus

State of Haryana and others

..... Respondents

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

**Present : Ms. Geetika Sharma, Advocate for
Mr. Sourabh Goel, Advocate for the petitioner.**

**Mr. Deepak Bhardwaj, DAG, Haryana
for respondents No.1 to 3, 5 and 6.**

**Mr. Ankur Mittal, Advocate with
Ms. Kushaldeep Kaur, Advocate;
Ms. Saanvi Singla, Advocate and
Mr. Siddhanth Arora, Advocate for respondent No.4.**

ARUN PALLI, J. (Oral):

The petitioner (Future Duro Build Pvt. Ltd.) has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226 of Constitution of India, 1950 seeking issuance of an appropriate writ order or direction in the nature of mandamus directing the respondents to take action against the illegal and unauthorised construction/encroachments and illegal plotting which has come up in Sector 109, Gurugram at village Pawala Khasrupur, District Gurugram, as per sectoral plan dated 15.5.2012, Annexure P-2, issued by respondent No.2, thereby creating hindrance in the proper and planned development of the area as per the development plan and also causing threat of water logging due to unplanned construction during rains;

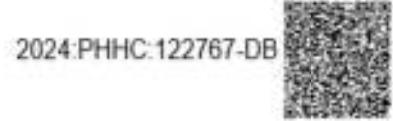
To issue a writ in the nature of mandamus directing



the respondents to take action on the grievances raised by the petitioner in its representation/otice dated 22.08.2019, Annexure P-3;

To direct the respondents to take action against the persons raising unauthorized/illegal plotting and construction in sector 109 at village Pawala Khasrupur, District Gurugram, as the same is in gross violation of the provisions of the Punjab Scheduled Roads and Controlled Areas Restricting of Unregulated Development Act, 1963, which restricts the use of land without seeking change of land use and payment of statutory charges.”

Learned counsel for Municipal Corporation, Gurugram-respondent No.4, with reference to the averments, set out in paragraphs 6 and 7 of the written statement, submits that a comprehensive survey was carried out whereupon 20 individuals were shortlisted who indeed had encroached upon the subject land. Whereafter they were served with the show cause notices to afford opportunity of hearing and to submit their respective response. And after following the due procedure the demolition orders were passed against all the said encroachers barring a few who had filed suits under the General Common Law and obtained injunction. Whereas qua the rest, he submits that the encroachments were demolished and the sites were restored to their original state. In this regard he has referred to the numerous photographs that are appended with the written statement. Similarly, learned Deputy Advocate General, Haryana, appearing for respondents No.1 to 3, 5 and 6, with reference to paragraph 5 of the written statement, filed on behalf of the said respondents, submits that as despite having been granted the opportunity to submit response to the show cause notices and even the orders of demolition having been passed the sites were not restored to their original position, the authority was



left with no choice but to carry out the demolition drive. Accordingly, by drawing our attention to the photographs, appended with the written statement, he submits that all illegal/unauthorized structures have since been removed/demolished. So much so, FIRs have also been registered against the violators.

Having argued the matter at length, learned counsel for the parties have reached a consensus that the petition at hand is pending since 2019 and the returns were submitted by respondent No.4 in January 2020 and by respondents No.1, 2 and 6 in September 2021. And, as substantially the concern/grievance of the petitioner is redressed, the petition more or less has worked itself out. Therefore, the same be disposed of in terms of the stand set out in the written statements submitted by the respondents. However, it is agreed that in case, any cause of action arises in future the petitioner shall be at liberty to avail such other remedies as shall be admissible in law.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

17.09.2024
Manoj Bhutani

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