



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23140-2024(O&M)
Date of decision: 12.09.2024

Vivek Malik
... Petitioner
Versus
State of Haryana and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Komal Balain, Advocate, and
Mr. Sangeet Pal Singh, Advocate, for the petitioner.
Mr. Deepak Sabherwal, Advocate,
for respondents No.1 to 3.

ARUN PALLI, J. (Oral)

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

“Civil Writ Petition under Articles 226 of the
Constitution for India praying for issuance of writ
in the nature of Mandamus to kindly direct the
respondents no.1 to 3 to take necessary and
appropriate actions on the complaints (Annexure
P-1) and (Anneure P-2), dated 15.06.2023 and
23.07.2024 respectively which were made by the
petitioner against the illegal construction being
done by the Respondent no.4 and to take
necessary actions there upon on the representation
made by the petitioner (Annexure P-4), dated
04.09.2024.”

Learned counsel for the petitioner submits that petitioner is a
resident of House No.A-3/20 A-Block, DLF, Phase-I, Gurugram, where he
lives with his old parents. She submits that the adjoining house, i.e. House



No.3/19, A-Block, DLF, Phase, Gurugram, is owned by respondent No.4 (Sagar Arora), who is a Private Builder. Further, she submits, the limited grievance that the petitioner has is: while constructing the said site, respondent No.4 has disregarded the basic regulations with respect to the prescribed permissible construction percentile in residential area. And, as a result, the petitioner is deprived of essential natural resources, such as sunlight, air and ventilation. Not just that, she submits that prior to the institution of this petition, the petitioner had even moved complaints dated June 15, 2023 and July 23, 2024, through CM window. And, with reference to the interim report that has been uploaded by the respondent-authority, it is indicated that respondent No.4 was served with a Show Cause Notice, dated June 21, 2023. And whereafter, even the order of restoration was passed on July 4, 2023, requiring respondent No.4 to restore the building to the prescribed norms and specifications. Though, in fact, at site, the violations continue to exist as no action has been taken. Thus, this petition.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate is present in Court on behalf of the official respondents. At the outset, he submits that given the nature of the controversy, it would rather be expedient, if the petition is disposed of, at this stage, to enable the respondent-authorities to deal with the concerns/grievances of the petitioner. And pass necessary orders in accordance with law. Further, he submits that before any such orders are passed, the petitioner as also respondent No.4 would be heard, for which a formal communication would be issued, well in advance.

However, at this stage, he submits that he has been instructed/informed by Manish Yadav, District Town Planner, Enforcement, Gurugram (respondent No.3) that, in fact, despite show cause notice (*ibid*) as also the orders of restoration referred to above, all the violations, as indicated in the petition, continue to exist. And, therefore, the information set out in the interim report (P3), *prima facie*, appears to be factually incorrect. Be that as it may, he submits that the authorities would cognizance of the matter forthwith. And pass orders in accordance with law, within a period of three weeks from today.



That being so, learned counsel for the petitioner submits that let the petition be disposed of in terms of the statement made by learned counsel appearing for the respondent(s).

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

This Court is sanguine that the respondent-authority shall consider/examine the matter in the right earnest, and as submitted by learned counsel appearing on its behalf, would pass the necessary orders within the stipulated period.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

12.09.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO