



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24915-2024

Date of decision: 26.09.2024

Dhian Singh and others

....Petitioners

Versus

Chief Administrator, GMADA and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sukhjit Singh, Advocate,
for the petitioners.

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:

“Petition under article 226/227 of the constitution of India praying for issuance of a writ in the nature of mandamus direction the respondents no.1 and 2 to further issue appropriate direction to respondent No.3 to 5 ensure the construction of internal road before the houses of the petitioners in sector 123, New Sunny Enclave, Kharar, Mohali.

And

For issuance of directions to respondent no.1 and 2 to take strict legal action as per law against respondents no.3 to 5 for violating and non-compliance of the rules and regulations of GMADA regarding providing of the basic amenities to the petitioners.

And

For issuance of directions to respondents no.1 and 2 to decide the legal notice dated 06.09.2024 (Annexure P-4)

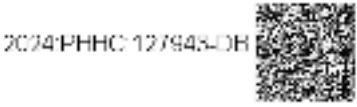


and respondents no. 3 to 5 to decide legal notice dated 29.05.2024 (Annexure P-2).”

Learned counsel for the petitioners submits that the petitioners are residents of Sector-123, New Sunny Enclave, Kharar, SAS Nagar (Mohali). He submits that, in essence, the grievance of the petitioners is: despite having deposited the development charges, the internal roads and drainage system remain unconstructed. As a result, the inhabitants of the colony are faced with multiple issues. Further, he submits that prior to the institution of this petition, the petitioners had served private respondents No.3 to 5, vide a legal notice dated 29.05.2024 (P-2), to perform their obligations as regards construction of roads and proper drainage system, as also to pay compensation for the delay that has occurred, but to no avail. Thus, it is urged, for the private respondents failed to perform their contractual/statutory obligations and respond to the notice, the petitioners, vide legal notices dated 07.08.2024 (P-3) and 05.09.2024 (P-4), even served the respondent authorities as regards concerns/grievances, but that too, failed to evoke any response. Hence this petition.

Served with the advance copy of the petition, Mr. Jastej Singh, learned Deputy Advocate General, Punjab, is present in Court. At the outset, he submits, for the competent authority is alleged to be in seisin of the concerns/grievances of the petitioners, it would rather be expedient if the petition is disposed of, at this stage, to enable the respondent authorities to consider and pass necessary orders on their legal notices (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioners, as also the other stakeholders, shall be heard, for which a formal communication shall also be issued to them, well in advance.

Learned counsel for the petitioners is in agreement with the course suggested by learned State counsel 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 State counsel submits that appropriate orders shall be passed within a period of six 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 State counsel.

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 petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(DEEPAK GUPTA)
JUDGE

26.09.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No