



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-29228-2024(O&M)
Date of decision: 25.10.2024

Omega Infra Estates Private Limited
... Petitioner
Versus
State of Punjab and others
... Respondents

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

Present: Mr. Alankar Narula, Advocate,
for the petitioner.
Mr. Avnish Mittal, Addl. AG, Punjab.

ARUN PALLI, J. (Oral)

The petitioner (Omega Infra Estates Private Limited) has prayed
for the following substantive relief:

“Civil Writ Petition under Articles 226/227 of the
Constitution of India, 1950, seeking issuance of:

A writ in the nature of mandamus directing the
respondents to amend the Master Plan for Kharar
notified on 25.05.2010 (Annexure P-2), in accordance
with Sections 76 and 77 of the Punjab Regional Town
Planning and Development Act, 1995, in a timebound
manner.

AND/OR

A writ of the nature of mandamus directing the
respondents to modify, amend, and implement the
revised Master Plan for Kharar, Punjab, in accordance
with the affidavit submitted by respondent No.2 dated
27.02.2015 (Annexure P-4), within a time bound frame,
as the existing Master Plan, as admitted by the
respondents, no longer reflects the ground realities and
is therefore unimplementable.

**AND/OR**

A writ in the nature of mandamus directing the respondents to invite objections and suggestions from the General public towards the Think Tank Committee approved draft amended Master Plan, as per letter dated 15.06.2020 in a time bound manner.”

Learned counsel for the petitioner, with reference to the averments set out in the petition as also the documents appended therewith, submits that apparently the respondent-authorities have failed to discharge its statutory obligation/duties, as the Master Plan for Kharar was last notified on May 25, 2010. And, thus, there is an apparent violation of Section 76 of the Punjab Regional Town Planning and Development Act, 1995. Not just that, prior to the institution of this petition, the petitioner had even served the respondent-authorities with a legal notice dated October 9, 2024 (P-8), but to no avail.

Served with the advance copy of the petition, Mr. Avnish Mittal, learned Additional Advocate General, Punjab is present in Court on behalf of the respondents. At the outset, he submits that since the respondent-authorities are already in *seisin* of the legal notice (**ibid**) alleged to have been served by the petitioner, it shall be expedient if this petition is disposed of, at this stage, to enable the competent authority to consider the concerns/grievances of the petitioner. And pass appropriate orders, in accordance with law.

Learned counsel for the petitioner is agreeable to the course suggested by learned Additional Advocate General, Punjab. However, he submits, for the matter is time sensitive, the authorities be directed to take a decision within a specified time.

In response, learned Additional Advocate General, Punjab submits that necessary orders shall be passed within eight week 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 stands disposed of. This Court is sanguine that the respondent-authorities shall consider the matter in the right earnest, and pass the appropriate orders in accordance with law.



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

25.10.2024
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO