

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

CWP-27374-2023

Date of decision: 12.01.2024

Aman City Residents Welfare Association

....Petitioner

Versus

State of Punjab and others

....Respondents

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

Present: Dr. Naresh Kaushik, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Additional A.G., Haryana.

Mr. B.S. Sudan, Advocate,
for the respondent-Municipal Corporation.

ARUN PALLI, J. (Oral)

The petitioner herein has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of a Writ in the nature of mandamus thereby directing Respondents Authorities to take over and maintain all the roads, parks other public amenities and development works in residential colonies (Aman City and Aman City Extn.-1) under the provisions of Punjab Municipal Act, 1911, Punjab Apartment and Property Regulation Acts 1995 and rules framed there under.

And

*For refund of amount erroneously charged as
regularization fee Rs.1,35,000/- for Aman City and*

Rs.1,70,000/- for Aman City Extn-1 from petitioner vide receipt No.45 and 46 both dated 28.06.2019 (Annexure: P-6) and (Annexure: P-7), whereas both the colonies are already regular colonies approved under TP Scheme.”

At the outset, 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 20.09.2023 (P-12), qua its concerns/grievances. And even though, considerable time has elapsed, the matter has not made any tangible progress.

Vide our order dated 20.12.2023, learned State counsel was granted time to seek instructions and respond to the concerns/grievances raised by the petitioner.

Today, upon instructions, he submits that as the matter is under active consideration of the competent authority, it would rather be expedient if the petition at hand is disposed of, at this stage, to enable it to deal with the concerns/grievances of the petitioner raised in the legal notice (*ibid*), which is pending consideration, and pass appropriate orders thereon, in accordance with law. Further, he submits that before any such orders are passed, the petitioner, if so required, shall also be afforded a hearing.

Learned counsel for the petitioner is in agreement with the course suggested by the 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.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

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 the 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 petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

12.01.2024
Ak Sharma

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