



CWP-32447-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-32447-2024Date of decision: 02.12.2024

Kashish Developers Limited

....Petitioner

Versus

State of Haryana and others

....Respondents

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

Present: Mr. Sanjay Kaushal, Senior Advocate, with
Mr. Mayank Wadhwa, Advocate, and
Mr. Munish Garg, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (Kashish Developers Limited) has prayed for
the following substantive relief:-

*“Civil Writ Petition U/A 226 of the
Constitution of India, 1950, for the issuance of a
writ, order or direction in the nature of Mandamus,
by directing the official respondents to grant access
to the petitioner to the 24 meter wide road in terms
of original approved alignment (Annexure P-1),
after constructing the same as per the original
sectorial plan (specifically from c to d on page 35)
(Annexure P-2)*

AND/OR

*Further for the issuance of a writ, order or
direction in the nature of Mandamus by directing
the official respondents to grant access of 24 meter
wide road after constructing the same in terms of*



proposed alignment from A to B as mentioned or page (Annexure P-2).

Learned Senior counsel for the petitioner submits that the petitioner-company is developing a residential township project, i.e. Manor One, in Sector 111, Gurugram, and is aggrieved by lack of access road to its project. He submits that the only available access to the project is through a narrow road, which too is a temporary. He submits that concededly, the petitioner, thus far, has remitted approximately 120 crores towards statutory fees and other charges (External Development Charges and Internal Development Charges). It is submitted that, in fact, licence No.110/2011 (P-3) was granted to respondents No. 7 and 8 for development of a residential colony. And, accordingly, the petitioner entered into a collaboration agreement dated 19.07.2012 (P-4) with them to develop the same. But, in the meanwhile, owing to certain difficulties the petitioner was faced with, the project was delayed. It is submitted that the project was revived after receiving funds under the Special Window for Affordable and Mid-Income Housing (SWAMIH), on 25.02.2023. Not just that, he asserts, for the proposed access road falls under the land of one Morgan Propbuild Private Limited c/o M3M India Private Limited, accordingly, respondent No.2, vide a communication dated 09.01.2023 (P-8) had sought its comments. And, vide communication dated 10.01.2023 (P-9), it had accorded no objection to the revised road access (from point A to B instead of C to D). It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities, with repeated representations dated 22.1.2024 (P-10), 18.06.2024 (P-11) and 05.08.2024 (P-12), as regards its concerns/grievances. But to no avail.

Served with the advance copy of the petition, Mr. Ankur Mittal, Advocate, along with Ms. Saanvi Singla, Advocate, for respondents No.1 to 6, is present in Court. At the outset, he, on instructions from Mr. Ashish, District Town Planner (HQ), submits that the matter is already under active consideration of the senior functionaries of the Department, and is at an advance stage. At any rate,



he submits that the formal/final decision would be reached within six weeks from today. Further, he, as always, fairly submits that before any such orders are passed, the petitioner, as also the other stakeholders, shall be heard, for which, a formal communication shall be issued to them, well in advance.

That being so, learned Senior counsel for the petitioner submits that nothing substantive survives in the petition and the same be disposed of, in terms of the statement made by learned State counsel.

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 earlier, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

02.12.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No