



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33113-2024(O&M)
Date of decision: 09.12.2024

Chander Parkash Gambhir and another ... Petitioners
Versus
State of Haryana and others ... Respondents

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

Present: Mr. Rahul Bhargava, Advocate, and
Mr. Chetan Bansal and Mr. Tanveer Singh, Advocates,
for the petitioners.

Mr. Ankur Mittal, Addl. AG, Haryana,
Ms. Kushaldeep Kaur, Advocate, and
Ms. Saanvi Singla, Advocate.
...

ARUN PALLI, J. (Oral)

The petitioners have prayed for the following substantive relief:

“Civil Writ Petition under Article 226 of Constitution of India seeking issuance of writ in the nature of Mandamus directing Respondent No. 2 to 5 Authorities to take appropriate legal action against Respondent No. 6 and 7 in pursuance to representation dated 18.10.2024 (Annexure P-9) submitted to them by the petitioners, in accordance with law, as even after committing various irregularities in the development of project namely IREO, “THE CORRIDORS” Sector 67-A Gurugram including illegally using the FAR against the land set apart for the development of nursery and primary schools; the Haryana senior authorities are involved in a fraud committed with respondent authorities as they have neither initiated any action nor conducted



any enquiry into the irregularities committed by respondent no. 6 and 7; causing illegal gain to the builders and wrongful loss to the petitioners.

AND/OR

Further to issue appropriate directions to respondent authorities to ensure that an impartial inquiry is being conducted in the fraud assessment/involvement of higher authorities to be conducted by a Senior Officer not below the rank of ADGP, in accordance with law.”

Learned counsel for the petitioners submits that petitioners had purchased a residential apartment, No.CD-A4-12-1204, in the Group Housing Project ('The Corridors'), situated at Sector 67A, Gurugram (Haryana), pursuant to the letter of allotment dated August 7, 2013 (P-6). He submits that private respondents No.6 & 7 were granted a license by the authorities to develop the project on 37.5125 acres in the revenue estate of Village(s) Dhumaspur and Maldawas, Sector 67A, Gurugram.

The limited grievance that the petitioners have is: respondents No.6 & 7 are illegally using the Floor Area Ratio (17649.76 sq. meters) against the land that was set apart for the nursery and primary schools. So much so, the builder has obtained approval for construction of 126 flats, each covering an area of 1910 sq. feet, and is making a profit of Rs.150 crores. Therefore, it is urged that the respondent-authorities are rather obliged to conduct an impartial investigation to unearth the illegalities and irregularities that have been committed by the private respondents. Further, he submits that prior to the institution of this petition, the petitioner had even served the respondent-authority with a representation dated 18.10.2024 (P-9). However, even though a considerable time has elapsed, the matter has not made any tangible progress. Thus, interest/rights of the petitioner continues to suffer.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana is present in Court on behalf of the respondent(s). At the outset, he submits that since the respondent-authority

is already in *seisin* of the representation (**ibid**) alleged to have been submitted 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, after affording adequate hearing to all the stakeholders.

Learned counsel for the petitioner is agreeable to the course suggested by learned State counsel. However, he submits that the authorities be directed to take a decision within a specified time.

In response, learned State counsel submits that appropriate orders shall be passed within a period of 8 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 stands disposed of.

This Court is sanguine that the respondent-authorities shall consider the matter in the right earnest, and pass the necessary orders 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 petitioner, strictly in accordance with law.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

09.12.2024
Rajan

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