



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

**110**

**CWP-4237-2025**

Date of Decision : **February 14, 2025**

**MALIBU TWIN TOWERS RESIDENT WELFARE ASSOCIATION**

.....Petitioner

***VERSUS***

**OF HARYANA AND OTHERS**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Nikhil Sabharwal, Advocate  
for the petitioner.

**KULDEEP TIWARI, J. (Oral)**

1. Through the instant petition, as cast under Articles 226/227 of the Constitution of India, prayer is made for issuance of mandamus upon the respondents No.7 and 9 concerned to refrain from taking over the possession of the demise premises of the petitioner.

2. Learned counsel for the petitioner submits that the statutory appeal bearing No. 660/RGSH of 2024, is pending before the Director General of Industries & Commerce-cum-Registrar General of Societies, Haryana has not been decided so far, whereas, the other private respondents No.10 and 11 are making all efforts to get the impugned order implemented. Therefore, this caused grievance to the petitioner to approach this Court seeking directions upon the Registrar General concerned to decide the

statutory appeal and in the meanwhile, the operation of order dated 10.10.2024 passed by respondent No.3 be kept in abeyance.

3. Notice of motion.

4. Mr. Pankaj Mulwani, DAG, Haryana waives service on behalf of respondents No.1 to 9, whereas, Mr. Abhinav Sood, Advocate has caused appearance on behalf of respondents No.10 and 11.

5. Learned counsel for the respondents No.10 and 11 by tooth and nail objected the prayer and submits that since October, 2024, the petitioner is unable to get any favourable order from any authority concerned and, therefore, they are well within their rights to get the impugned order executed/implemented.

6. Learned counsel for respondents No. 1 to 9 has submitted that the Appellate Authority concerned does not have any objection in case a mandamus is passed upon the authority concerned to decide the same in a time bound manner. He further submits that the next date before the Appellate Authority is 17.2.2025.

7. Be that as it may, without going into the merits of the instant petition and considering the fact that the statutory appeal preferred by the petitioner is pending consideration before the Appellate Authority concerned, therefore, without decision of the statutory appeal, this Court is of the view that the impugned order Annexure P-5 may not be implemented. Therefore, while passing a mandamus upon respondent No.2 to decide the abovesaid appeal within a period of one month from today, a direction is also passed upon the respondents concerned that the operation of the impugned order Annexure P-5 shall remain stayed only till the decision of the statutory appeal

by respondent No.2, which is pending consideration. This Court would like to make it clear that the stay was not granted on the merits of the instant case but only on the equity which as on date is in favour of the petitioner.

8. **Disposed** of accordingly.
9. The learned State counsel is directed to inform the Naib Tehsildar concerned or any other authority concerned, who is to execute the impugned order about the stay granted by this Court forthwith.

February 14, 2025  
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(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No