



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

137

CWP-38173-2025

DATE OF DECISION: 17.03.2026

M/S TAMARA HOLDINGS AND ANOTHER

... Petitioners

Versus

THE DIRECTOR DIRECTORATE OF TOWN
AND COUNTRY PLANNING DTCP HARYANA
AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Atul Goyal, Advocate for the petitioners.

Mr. Deepak Bhardwaj, Addl. A.. Haryana.

SUVIR SEHGAL, J. (ORAL)

1. Petitioners have approached this Court by following prayers.

“(A) Issue a Writ in the nature of Mandamus, or any other appropriate Writ, Order, or Direction, directing Respondent No. 1, the Directorate of Town and Country Planning, Haryana, to expeditiously enquire into, adjudicate upon, and take all necessary, decisive, penal, and regulatory actions against Respondent No. 2, the Developer, in accordance with law, particularly in relation to the non-delivery of possession of 11 (eleven) commercial units despite the expiry of the statutory period of three months from the date of issuance of the Occupancy Certificate dated 28.07.2025, and the illegal structural conversion and/or alteration of the multiplex area into service apartments without obtaining the mandatory prior approval of the DTCP and the requisite two-thirds majority consent of the allottees.

(B) Award Cost of the Petition in favour of the Petition and against the Respondent.

(C) Grant any other further Order, or Direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, to meet the ends of justice and equity.

(D) Exempt the Petitioners from filing the certified and true typed copies of the Annexures and permit the filing of true photocopies/scanned copies of the same.”

2. Primary grievance of the petitioners, who have entered into an



agreement for sale with builder/respondent No.2, is for possession of the commercial units purchased by them. An averment has been raised that despite issuance of an occupation certificate, builder has failed to deliver the possession. For the same relief, petitioners have also approached the Haryana Real Estate Regulatory Authority (HRERA), Gurugram and their complaint is pending as is evident from notices Annexure P-9 issued by the said authority.

3. A specific query has been put to the counsel for the petitioners regarding maintainability of a writ of mandamus against a private builder for enforcement of an agreement to sell. He has not been able to give a satisfactory response. It is a settled principle of law that a civil dispute between the parties cannot be agitated and determined by a writ Court.

4. Writ petition is not maintainable and is dismissed as such. Liberty is granted to the petitioners to pursue their remedy before HRERA or any other forum/Court, in accordance with law.

(SUVIR SEHGAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

17.03.2026

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