

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 8779 of 2012 Date of Decision:- 21 .01.2013.

Central Park 2 Residents Welfare AssociationPetitioner

Versus

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. Lokesh Sinhal, Advocate for the petitioner.

Mr. Narinder Singh, DAG Haryana.

Mr. Ashish Aggarwal, Sr. Advocate with Mr. Kulwant Singh, Advocatefor respondent No. 4.

Mr. Chetan Mittal, Sr. Advocate with Mr. Rajbir Attri, Advocatefor respondents No. 5 to 14.

*****SATISH KUMAR MITTAL, J. (Oral)**

The Central Park 2 Residents Welfare Association has filed the instant writ petition for issuing following directions to respondents :

(i)Issue a writ in the nature of mandamus directing the respondents No. 1 to 3 to take action against the respondent No. 4 for violating the approved lay out plan and building plan;

(ii)direct the respondent No. 4 to provide all the amenities/ facilities as assured to be provided by it in the sanctioned lay out plan/building plan and assured in their brochures within a definite timeframe;(iii) Further direction be given to the respondent No. 4 to complete the construction of remaining 21 towers within a definite time frame and

(iv) Further prohibit the respondents no. 1 to 3 from granting any further extension of license to respondent No.4.

During the course of hearing learned counsel for petitioner while referring to Section 8 of the Haryana Urban Development and Regulation of Urban Areas Act, 1975, argued that the Director Town and Country Planning is empowered to take action against colonizer/developer under the said Act if he contravenes any of the conditions of the licence or the provisions of the Act or the rules made thereunder.

Learned counsel for the petitioner argued that in the present case the colonizer has violated the terms and conditions of licence and the provision of the Act and Rules made therein. But inspite of the representation made by the petitioner-Association, the Director, Town and Country Planning is not taking any action under the aforesaid provision.

After hearing learned counsel for the parties, this writ petition is disposed of with liberty to the petitioner to move a specific application in this regard under the said Section to the Director, Town and Country Planning for taking appropriate action against the colonizer pointing out the violation committed by him and if any representation or application is filed within one month from today, respondent No. 2 Director, Town and Country Planning, Haryana is directed to dispose of such representation/application in accordance with law after providing an opportunity of hearing to the petitioner as well as colonizer or any other effected person, after passing a speaking order preferably within a period of four months from today. As far as revised lay out plan is concerned, it has been stated by learned counsel for the respondents that before revising any building or lay out plan, the opportunity of hearing will be provided to any affected/interested person.

In view of the above, the writ petition is disposed of in the aforesaid terms.

(SATISH KUMAR MITTAL) JUDGE

21.01.2013
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(AMOL RATTAN SINGH) JUDGE