

ITEM NO.51

COURT NO.5

SECTION IVB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1637/2014

(Arising out of impugned final judgment and order dated 09/09/2013 in CWP No. 19795/2013 passed by the High Court of Punjab & Haryana At Chandigarh)

CENTRAL PARK 2 RESIDENTS WEL.ASSON.

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(with appln. (s) for directions and permission to file additional documents and permission to file supplementary affidavit and permission to place addl. documents on record and interim relief and office report)

Date : 15/09/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA
HON'BLE MR. JUSTICE PRAFULLA CHANDRA PANT

For Petitioner(s) Mr. Ranbir Singh, Adv.
Mr. Pradyuman Dubey, Adv.
Mr. Alok Shukla, Adv.

For Respondent(s) Mr. Narender Hooda, Sr. Adv.
Ms. Banu Deswal, Adv.
Mr. Kamal Mohan Gupta, Adv.

Ms. Kusum Chaudhary, Adv.

UPON hearing the counsel the Court made the following
O R D E R

By the impugned order, the High Court refused to entertain the Writ Petition preferred by the writ petitioner under Article 226 of the Constitution of India on the ground of alternative remedy available to the writ petitioner.

Signature Not Verified

Digitally signed by
Rajni Mukhi
Date: 2014.09.15
17:53:37
Reason: []

On notice, respondents have appeared and brought to the notice of this Court the Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975, which reads as follows:

"19. Any person aggrieved by any order of the Director or any officer appointed by the Government, by notification in the Official Gazette, to exercise and perform all or any of the powers and functions of the Director may, within a period of thirty days of the date of communication of the order to him, prefer an appeal to the Secretary to Government, Haryana, Town and Country Planning Department, in such form and manner as may be prescribed.

Provided that the appeal may be entertained after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time."

In the facts and circumstances of the case, while we are not inclined to interfere with the impugned order passed by the High Court, we give liberty to the petitioner to prefer the appeal before the Appellate Authority.

Having noticed that the petitioner had challenged the matter before the High Court and then before this court, we allow the petitioner to file such an appeal including the revised plan within thirty days. If such appeal is preferred within thirty days, the Appellate Authority will decide the same on merits after notice to the parties.

The special leave petition stands disposed of.

(Rajni Mukhi)
Sr. P.A.

(Usha Sharma)
Court Master