

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

CWP No. 10286 of 2007 ( O&M )

DATE OF DECISION : 05.07.2013

Heritage City Residents Welfare Association, Gurgaon

.... PETITIONER

Versus

State of Haryana and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present: Mr. A.S. Tewatia, Advocate,  
for the petitioner.

Mr. Rahul Sharma, Addl. A.G., Haryana.

Mr. Vikas Bahl, Advocate,  
for respondent No.3.

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

The Heritage City Residents Welfare Association, Gurgaon, has filed this writ petition seeking quashing of the notice dated 19.7.1999 (Annexure P-4), whereby the Director, Town and Country Planning, Haryana, in clarification of the earlier notice dated 15.5.1999 (Annexure P3), permitted the licensed colonisers to recover maintenance charges, except the charges on account of underground public health services, from the residents of the colony, with a further direction to the colonisers to refund the amount to the residents, which has already been recovered from them.

After notice, when the matter was pending consideration, it was brought to the notice of the court that Civil Appeal No. 550 of 2003 was pending before the Hon'ble Supreme Court, in which the issue with regard to recovery of the maintenance charges by the colonisers from the residents is involved. In view of this fact, on 10.3.2010, the case was adjourned sine die leaving the parties to approach the court immediately after disposal of the said Civil Appeal by the Hon'ble Supreme Court.

The aforesaid Civil Appeal was decided by the Hon'ble Supreme Court on 19.11.2010. The said decision is reported as ***DLF Universal Ltd. and another versus Director, Town and Country Planning Haryana and others***, 2010 (14) SCC 1. In the said case, it has been held that under the provision of Section 3 (3) (a) (iii) of the Haryana Development and Regulation of Urban Areas Act, 1975, the colonisers are not required to provide the maintenance services free of costs. It has been further held that the Director, Town and Country Planning, has no authority or power under the Act to issue any direction directing the owners/ colonisers not to recover the maintenance charges incurred by the residents.

Though no application was filed by either of the parties for revival of the writ petition, but the Registry taking note of the said decision has listed this case for hearing.

Shri A.S. Tewatia, Advocate, appearing on behalf of the petitioner Association, states that in view of the aforesaid decision, the

instant petition has been rendered infructuous.

Dismissed as having become infructuous.

( **SATISH KUMAR MITTAL** )  
**JUDGE**

**July 05, 2013**  
ndj

( **MAHAVIRS. CHAUHAN** )  
**JUDGE**