

SUNIL SINGH VS. STATE OF HARYANA AND ANOTHER

Present: Ms. Nivedita Sharma, Advocate, (Arguing Counsel)
(Through Video Conferencing)
Mr. Shehbaz Thind, Advocate,
and Mr. Sultan Singh, Advocate,
for the petitioner (in CWP-PIL-212-2024 & CWP-9115-2021).

Mr. Sarthak Gupta, Advocate, (Arguing Counsel)
and Ms. Sanya Shangari, Advocate,
for the petitioner (in CWP-15530-2021).

Mr. Samarth Sagar, Advocate, (Arguing Counsel)
and Mr. Sankalp Sagar, Advocate,
for the petitioner (in CWP-PIL-91-2025).

Mr. Ankur Mittal, Senior Advocate, (Arguing Counsel)
with Mr. Pradeep S. Chahar, Senior DAG, Haryana,
Mr. Saurabh Mago, DAG, Haryana,
and Ms. Kushaldeep Kaur, Advocate,
for respondent-State of Haryana.

Mr. Ashok Aggarwal, Senior Advocate,
(Arguing Counsel)
with Mr. Mukul Aggarwal, Advocate,
Mr. Vibhor Bansal, Advocate,
and Mr. Ishank Bansal, Advocate,
for respondent Nos.10 to 30 (in CWP-9115-2021).

Mr. Anil Chawla, Advocate,
for respondent No.4 (in CWP-9115-2021).

Mr. Ashish Chopra, Senior Advocate,
(Arguing Counsel)
with Mr. Abhishek Kansal, Advocate,
and Mr. Gagandeep Singh, Advocate,
for respondent Nos.10 and 11 (in CWP-9115-2021).

Mr. Arvind Seth, Advocate, (Arguing Counsel)
for respondent-HSVP (in CWP-14637-2021).
Mr. Manish Dadwal, Advocate,
for M.C., Gurugram (in CWP-9115-2021).

Mr. Shivansh Sood, Advocate,
for respondent No.5 (in CWP-9115-2021).

1. This matter, on the last occasion i.e. 17.02.2026, was partly heard and is now listed for advancement of further arguments on 08.04.2026.

2. During the aforesaid status of this case, when part arguments are yet to be advanced, this Court is persuaded by the order of the Apex Court dated 28.07.2025 passed in Special Leave to Appeal (C) No.212 of 2024, **Sunil Singh vs. State of Haryana and another**, (preferred by the petitioner herein), wherein it was observed as under:-

“We have heard learned counsel for the petitioner.

We dispose of this Special Leave Petition by reserving liberty to the petitioner herein to make submissions on the interim relief(s) sought for in the original Public Interest Litigation before the High Court.

For ease of reference, the interim reliefs sought for by the petitioner herein are extracted as under-

“1. Issue on interim order, staying the operation of the impugned notification dated 02.07.2024, and any further approvals for Stilt + 4 constructions in Gurugram, until the completion of comprehensive infrastructure audits and necessary augmentation as recommended by the Expert Committee.

2. Issue an interim injunction, restraining the Respondents from granting occupancy certificates (OC) for Stilt + 4 constructions in Gurugram until the existing infrastructure, including water supply systems, sewage treatment, drainage, and road networks, is upgraded to adequately handle the increased load caused by such constructions.

3. Appoint an Independent committee, headed by a retired judge of the Hon’ble Supreme Court, to oversee

and monitor compliance with court orders the issue of illegal constructions and environmental degradation.

4. Direct the Respondents to hald any further illegal construction arising under the Stilt + 4 policy, including those violating approved layout plans, setbacks, and height restrictions, misusing the approved plans until this Hon'ble Court has examined the legality of such constructions.

5. Issue directions to the Respondents, particularly the Department of Town and Country Planning (DTCP), to freeze all new applications for Stilt + 4 constructions.

6. Any other interim relief that this Hon'ble Court deems fit and proper in the interest of justice, public safety, and environmental sustainability.”

It is needless to observe that the High Court would consider the interim reliefs sought for by the petitioner herein on their own merits and pass an order in that regard.

At this stage, learned counsel for the petitioner submitted that the matter is now listed before the High Court on 30.10.2025 and there is urgency in the matter.

In the circumstances, we permit the petitioner to move the High Court for expeditious listing of the matter in the month of August, 2025.

Pending application(s) shall stand disposed of.”

3. With the consent of learned counsel for the rival parties, this Court proceeds to decide the question of interim relief, as prayed for by the petitioner, which is to the following effect:-

“1. **Issue an interim order**, staying the operation of the impugned notification dated 02.07.2024, and any further approvals for Stilt + 4 constructions in Gurugram, until the completion of comprehensive

infrastructure audits and necessary augmentation as recommended by the Expert Committee.

2. **Issue an interim injunction**, restraining the Respondents from granting occupancy certificates (OC) for Stilt + 4 constructions in Gurugram until the existing infrastructure, including water supply systems, sewage treatment, drainage, and road networks, is upgraded to adequately handle the increased load caused by such constructions.

3. **Appoint an independent committee**, headed by a retired judge of the Hon'ble Supreme Court, to oversee and monitor compliance with court orders the issue of illegal constructions and environmental degradation.

4. **Direct the Respondents to halt any further illegal construction** arising under the Stilt + 4 policy, including those violating approved layout plans, setbacks, and height restrictions, misusing the approved plans until this Hon'ble Court has examined the legality of such constructions.

5. **Issue directions to Respondents**, particularly the Department of Town and Country Planning (DTCP), to freeze all new applications for Stilt + 4 constructions.

6. **Any other interim relief** that this Hon'bel Court deems fit and proper in the interest of justice, public safety, and environmental sustainability.”

4. This Court is conscious of the fact that vide order dated 19.03.2025, this Court had rejected the prayer for interim relief on the ground of claim of interim relief being akin to the final relief. More so, another order was passed on 20.06.2025 by this Court in the present case, where CM-135-CWPIL-2025 seeking interim relief for restraining the respondents from

cutting trees, was also declined on the ground that no such relief has been sought in the present petition. The aforesaid order dated 20.06.2025 was challenged in Special Leave to Appeal (C) No.19427 of 2025, which was disposed of vide order dated 28.07.2025 permitting the petitioner to move this Court for expeditious listing of the matter in the month of August, 2025, by observing that this Court was to consider the interim reliefs sought for by the petitioner on their own merits and pass an order in that regard.

5. After the aforesaid order of the Apex Court dated 28.07.2025 was produced before this Court, the date for hearing of the case was preponed to 01.09.2025 by order dated 11.08.2025.

5.1. Arguments, thereafter, were made on 27.10.2025 but the same remained incomplete, whereafter the matter was placed for hearing remaining arguments on 28.10.2025, 29.10.2025, 30.10.2025, 31.10.2025, 03.11.2025, 06.11.2025, 12.11.2025, 19.11.2025, 01.12.2025, 18.12.2025, 27.01.2026, 29.01.2026, 17.02.2026, 11.03.2026, 17.03.2026 and lastly the case was listed on 24.03.2026 when the final arguments remained inconclusive and the case is now to be taken up on 08.04.2026 to hear the remaining arguments, which have bleak possibility of being concluded on the said date.

6. Due to the aforesaid delay, which has been caused in advancing arguments by counsel for the rival parties, the

petitioner has insisted for grant of interim relief as prayed for (supra).

7. Pertinently, during the course of advancement of final arguments in the present case, this Court on 29.01.2026, on behest of the petitioner, took note of the photographs appended along with written submissions made by the petitioner, which *prima facie* showed the internal roads of Sector 28, DLF, Phase-I, Gurugram to be as narrow as approximately 12-15 feet wide. This impelled this Court to constitute a Commission consisting of Additional Advocate General, Haryana, or his nominee; learned counsel for the petitioner and the Secretary, District Legal Services Authority, Gurugram, to carry out physical inspection in regard to the prescribed width of the internal roads of Sector 28, DLF, Phase-I, Gurugram and the actual available width of the internal roads for plying of traffic. The report that was submitted after the inspection by the said Commission was to the following effect:-

PLOT NO.	ROAD WIDTH (Wall to Wall of the Houses)	MOTORABLE/METALLED ROAD AREA
A-30/9, DLF Phase-I, Gurugram	12 mtr.	4.5 mtr.
A-41/25, DLF Phase-I, Gurugram.	12 mtr.	4.6 mtr.
A-36-19, DLF Phase-I Gurugram	12 mtr.	4.6 mtr.
1, Market Road, DLF Phase-I, Gurugram	12 mtr.	4.5 mtr.
5. Market Road, DLF	12 mtr.	4.8 mtr.

Phase-I, Gurugram		
148, Sector- 28, Gurugram	10 mtr.	3.9 mtr.
94P, Sector- 28, Gurugram.	10 mtr.	4.0 mtr.

As per the measurement, it has been observed that measurement of the road from the wall to wall of the Houses including ramps, sewage, big trees, green belt and electricity poles as depicted in the photographs attached is either 12 mtr. and/or 10 mtr. Whereas, the average motorable road of 12 mtr. has shrunk to 4.5 mtr. and that of the 10 mtr. to 4.0 mtr.”

8. The aforesaid inspection report essentially revealed that the prescribed width of the internal roads of Sector 28, DLF Phase-I, Gurugram, is either 10 mtrs. or 12 mtrs. (boundary wall of the private plot on one side to the boundary wall of the private plot on the other side). As against the aforesaid prescribed width, the motorable road area available for plying of traffic and pedestrians is only 3.9 mtrs. to 4.8 mtrs.

8.1. This shrinkage is attributed to various reasons, which essentially are lack of adequate infrastructure of sanitations & sewerage, over-population, defective town planning, inadequate garbage disposal, blocking of aquifers by indiscriminate paving of roads, rampant construction activities thereby preventing recharging of ground-water etc.

9. Coming back to the interim prayer made by the petitioner, it is seen that stay of (Annexure P-6) issued by the Additional Chief Secretary, Government of Haryana, Town and Country Planning Department, Haryana, has been sought for.

9.1. Annexure P-6 is the notification/order dated 02.07.2024 approving stilt + 4 floors on residential plots instead of earlier permissible limit of stilt + 3 floors, with certain terms and conditions, including allowing of composition policy for construction of stilt + 4 floors even in cases where building plans have not been approved. It is stated, in this notification, that permission would be granted in all such cases within 90 days of the receipt of application for composition of offence, subject to recovery of composition charges @ 10 times the rate prescribed for construction raised without approval of building plans.

9.2. It is further alleged by learned counsel for the petitioner that while passing the impugned order dated 02.07.2024 (Annexure P-6), the Government should have considered the report in respect of stilt + 4 floors policy submitted by the Expert Committee, chaired by P. Raghavendra Rao, Chairman, Pollution Control Board, Haryana; Former Chief Town Planner, Haryana and Member HRERA, Panchkula; Chief Town Planner, HSIIDC and Senior Town Planner, HSVP & TCP, where it was recommended, in clear terms that firstly, a Standard Operating Procedure (SOP) for conducting 'Infrastructure Capacity Audit' of the block/sector/area/colony should be prepared for conducting the said "Audit" and only thereafter, the said proposal of stilt + 4 floors policy can be adopted. The relevant extract of the said report is as follows:

“8.1 Construction of Stilt + 4 Floors (S+4 floors) on residential plots of new/upcoming sectors/colonies/areas

Construction of S+4 floors on residential plots of new (undeveloped) upcoming sectors/colonies/areas, may be permitted as per the S+4 floors policy, where the commensurate infrastructure/service plans have already been designed or are being laid down or can be provided, considering density of 18 persons per plot, with provision for laying of adequate infrastructure.

8.2 Construction of Stilt+4 Floors on residential plots of existing sectors/colonies/areas

As per physical and social infrastructure planned/laid down in the existing developed sectors/colonies/areas may not have been designed to cater to the increased density on account of construction of S+4 floors, construction of S+4 floors on residential plots may only be permitted in identified blocks of existing sectors/colonies/areas which are:

1. Bounded by roads of 12 m or above width (all the plots must abut 12 m and above road width); and
2. Which have existing commensurate infrastructure or potential to build commensurate infrastructure to cater to increased population density on account of construction of S+4 floors.

For grant of new permission for construction of S+4 floors constructions on residential plots of existing sectors/colony/areas, the following procedure is recommended:

- i. The concerned Agency/Department/Authority, under whose jurisdiction the particular

sector/colony/area/block falls, shall firstly prepare a Standard Operating Procedure (SOP) for conducting 'Infrastructure Capacity Audit' of the block/sector/area/colony.

- ii. Based on the formulated SOP, the concerned Agency/Department/Authority shall prepare a detailed Infrastructure Capacity Audit Report of the identified block/sector/area/colony, preferably within a period of 3 months.

The Infrastructure Capacity Audit for any identified block/sector/area/colony shall specifically highlight the following:

- a. Present availability of water supply, sewerage, drainage, power, parking and fire-safety, etc. and estimated population level to which the existing infrastructure can cater;
 - b. Potential to augment infrastructure to cater to the increased population density to be generated if S+4 floors are permitted;
 - c. Specific components to be upgraded, alongwith estimated budgetary requirement and tentative timelines, for infrastructure enhancement.
- (iii) Based on the Infrastructure Capacity Audit Report, proposals for the blocks/sectors/areas/colonies found eligible for construction of S+4 floors by the respective agencies shall be sent for approval to the Deputy Commissioner (DC) of the concerned district or any senior officer nominated by the State Government, by an officer not below rank of Administrator, HSVP or officer nominated by him (in case of HSVP plots and private licensed colonies); MD, HSIIDC or officer nominated by

him (in case of HSIIDC areas) and District Municipal Commissioner (in case of municipal areas).

(iv) Upon receipt of such proposals, the DC/senior officer nominated by the State Government shall get the infrastructure capacity audit report verified by a team of technical experts drawn from departments/agencies such as PWD (B&R), Public Health, Irrigation, PCB, power distribution company, Metropolitan Development Authority, etc.

v. If the DC/senior officer nominated by the State Government, is satisfied that the infrastructure of identified block/sector/area/colony is sufficient or can be augmented by ensuring no major public inconvenience and disturbance to the existing habitat, he/she may approve the proposal, preferably within 2 months, and thereafter, the same be ratified by competent authority of the concerned Agency/Department/Authority.

vi. Permissions for S+4 floors shall be granted thereafter, only if:

a. Commensurate infrastructure has been certified to be available to the satisfaction of concerned Agency/Department/Authority and DC/senior officer nominated by the State Government, as stated above, or

b. Required infrastructure augmentation is initiated by the concerned Agency/Department/Authority, as per the approved proposal, as stated above.”

10. A bare perusal of the report of Expert Committee reveals that the aforesaid concern was that in the absence of any infrastructural back-up, any permission to increase the number of floors would lead to additional burden over the existing infrastructure of the city of Gurugram, which is on the verge of crumbling with increased use by a larger population (residing in the 4th floor) without adequate available infrastructural capacity, such as sewage, drainage, STP, congestion of traffic and pedestrians on road and internal roads,

flooding of various low lying areas (which has become a common feature of Gurugram city) etc.

11. It appears that the State of Haryana merely to earn more revenue has put the safety and security of members of general public at stake. State and its functionaries turning a Nelson's eye towards the desperate shortage of infrastructural requirement in Gurugram city have given a go by to the all important aspect of conducting "INFRASTRUCTURE CAPACITY AUDIT" before implementing the stilt + 4 policy. It thus, seems that the State has abdicated its constitutional duty of ensuring clean and healthy urban environment for the citizens of Gurugram.

12. Since, the arguments are taking long time to conclude for reasons attributed to the counsel for the rival parties, it is deemed appropriate by this Court, at this stage, without commenting on the validity of the impugned order/notification dated 02.07.2024 (Annexure P-6) passed by the Additional Chief Secretary, Government of Haryana, Town and Country Planning Department, Haryana, to restrain the State from going ahead with the 'stilt + 4 floor Policy' for the residential plots and to stay the effect and operation of the impugned order/notification (Annexure P-6) for the time being, till the next date of hearing.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

02.04.2026
Ajay Prasher