224

Attorney Legal Cell HUDA
1453
8/10/09

DP 1553

W-10

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1- Haryana Urban Development Authority, through its Chief Administrator, Sector-6, Panchkula

2- Estate Officer, Haryana Urban Development Authority, Panipat.

3- Haryana State Pollution Control Board, through its Chairman, Sector-6, Panchkula.

Sub: CIVIL WRIT No. 8735 of 2009

M/s Woolfax Mills

:-Petitioner

Versus

HUDA & others

~~State of Punjab/Haryana & others~~ :-Respondent

Sir,

~~In Continuation of this Court's orders dated~~ _____ I am directed to forward herewith a copy of order dated 29.5.09 passed by this court in the above noted case for immediate strict compliance.

Given under my hand and the seal of this court on this 29th day of July, 2009.

BY ORDER OF THE PUNJAB AND HARYANA HIGH COURT CHANDIGARH.

30/7/09

Superintendent(Writs)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

C.W.P.NO.8735 OF 2009

M/s Wooltex, Post Box 82, G.T.Road, Panipat, through its Partner, Shri Vijay Kumar Chhabra.

...Petitioner

Versus

1. Haryana Urban Development Authority, through its Chief Administrator, Sector-6, Panchkula.
2. Estate Officer, Haryana Urban Development Authority, Panipat.
3. Haryana State Pollution Control Board, through its Chairman, Sector-6, Panchkula.

...Respondents

Civil Writ Petition under Article 226 of the Constitution of India praying for issuance of a writ in the nature of certiorari quashing the speaking orders dated 9.3.2009 Annexure P-1 passed by the respondent No.1 in pursuance to the directions contained in the orders dated 11.12.2008 Annexure P-2 of this Hon'ble Court passed in CWP No.3919 of 2008.

...

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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8735 of 2009
Date of decision: May 29, 2009.

M/s Wooltex ...**Petitioner(s)**

v.

Haryana Urban Development Authority & Ors. ...**Respondent(s)**

CORAM:**HON'BLE MR. JUSTICE SURYA KANT**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. Whether to be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

Present: Shri Ashwani Talwar, Advocate, for the petitioner(s).

ORDER

Surya Kant, J. - (Oral)

The petitioner industry is aggrieved at the order dated 9.3.2009 passed by the Chief Administrator, HUDA (Annexure P-1) whereby its claim for allotment of a bigger size industrial plot in industrial Sector 29, Panipat, has been declined.

The petitioner is a running industrial unit at Panipat. In order to shift the dying units from the residential/other congested areas, the HUDA developed an exclusive Industrial Sector, namely, Sector 29 at Panipat. These units were also required to be shifted as the same had become constant source of pollution in the area. 494 existing industrial dying units were decided to be shifted to the newly carved Sector. The

petitioner is one of them. The plots in the aforesaid new Industrial Sector were carved at a concessional rates, according to the respondents, on 'no profit no loss basis'. All the identified dying units were given opportunity to seek allotment and shift their units.

The petitioner applied for a plot measuring 525 sq. meters and deposited the earnest money for the same. The petitioner has been admittedly allotted a plot of the said size, the allotment of which was accepted by the petitioner without any objection in the year 2003. The petitioner thereafter moved a representation to the authorities to allot a bigger size plot. A Division Bench of this Court vide order dated 11.12.2008 passed in CWP No.3918 of 2008 and some other connected cases, made an observation and directed the Chief Administrator, HUDA to consider the viability of allotting a bigger size plot to the petitioner. It is asserted by the petitioner that its case was duly recommended by the Haryana Pollution Control Board also.

In compliance to these directions, the Chief Administrator, HUDA has considered the petitioner's claim for allotment of a bigger size plot and has turned down the same by a self-speaking order for the following reasons:-

> "After going through the entire relevant record placed before me, it is evident that the main prayer of the petitioner is regarding allotment of a bigger size plot. The petitioner was recommended for 500 sqm. Plot as per his demand, applied for 525 sq.m. Plot, deposited the earnest money for 525 sqm. Plot, was allotted a 525 sqm. Plot accordingly which was duly accepted by him without any objection. Therefore, the

petitioner is now not entitled for a bigger size plot, more so, when the petitioner is doing the dyeing work in an area measuring only 200 sqm. Thus, there is no reason to accept the representation as the same is not based on any cogent reason. There are many persons/firms now who want allotment of bigger size plots mainly because the market rates of these plots have gone up as compared to their allotment rate which is highly subsidized. There are many such other persons also who were allotted plots earlier but failed to deposit even the allotment money and installments at that time because of which their plots were resumed but now are desirous of getting them allotted because of same reasons. There are many more who are willing to set up dyeing units now if the plots are allotted to them at these rates. Since a plot as per the survey has already been allotted to the petitioner as mentioned above, the petitioner has no additional claim for allotment of a bigger size plot..."

Having heard Learned Counsel for the Petitioner at some length and on perusal of the records, I am of the considered view that no interference in the impugned order is called for by this Court. The petitioner was a running industrial unit and was fully aware of its present and future requirements. Considering the same, it sought and got a plot measuring 525 sq. meters. The Industrial Plots in Sector 29, Panipat, as observed by the Chief Administrator, have been carved out on a special concessional rates 'on no profit and no loss basis', and undoubtedly at lower rates. The petitioner cannot seek allotment of a bigger size plot, merely due

to escalation in prices in the later years, even if it is willing to pay the current market price. Suffice it to say that as and when bigger size plots are advertised or put to auction, the petitioner would be entitled to apply or participate in the auction, as the case may be, along with other competitors.

Disposed of.

Sd/-
[**Surya Kant**]
Judge

May 29, 2009.
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True Copy
22/8/09
Examiner

DP 16553
DP Added
May be issued
28/7/09
30/7