

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-4419-CWP-2015 in/and
CWP-4188-2007 (O&M)**

**Bar Council of Punjab and
Haryana**

Versus

UT Chandigarh & Ors.

Date of Decision: 24.07.2015

**Coram : Hon'ble Mr.Justice Surya Kant
Hon'ble Mrs.Justice Lisa Gill**

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Rakesh Gupta, Advocate for applicant/petitioner

Mr. Deepak Sharma, Advocate for UT Chandigarh

Mr. Dheeraj Jain, Sr.Panel Counsel, UOI

Mr. Naveen Kaushik, Addl. AG Haryana

Surya Kant J. (Oral)

(1) The instant writ petition has been filed by the Bar Council of Punjab and Haryana challenging not only the terms and conditions (in part) of the allotment letter dated 28.08.2002 (P2) but also seeks allotment of additional land required for expansion of its administrative building.

(2) The matter was taken up on various dates and pursuant to the interlocutory orders passed by this Court, the Chandigarh Administration decided to allot additional land to petitioner @ ₹45,400/- per sq.yard. It is mentioned here that the additional land measuring 0.2 acre offered for allotment is abutting the existing building of petitioner-Bar Council. Having decided to allot, the Chandigarh Administration forwarded the matter for approval to the Central Government.

(3) It is discernible from various orders especially the dated

final decision whether the petitioner-Council be allotted subject land @ ₹45,400/- or at the rate of ₹75,000/- per sq.yard.

(4) Union of India has finally approved the allotment of subject site to petitioner-Council on lease-hold basis on payment of allotment price of ₹13,06,84,720/- besides annual ground rent @ ₹32,67,118/-. The allotment has been offered initially for a period of 33 years, renewal for two like period of each, subject to certain terms and conditions of allotment.

(5) In deference to the decision taken by Central Government, Chandigarh Administration, has vide Letter of Intent dated 01.07.2015, offered allotment to the petitioner-Council subject to the standard terms and conditions.

(6) The predicament of the petitioner-Council who sought allotment of additional land @ ₹45,400/- per sq.yard as against the rate of ₹75,000/- per sq.yard is quite understandable, for the allotment price finally offered to it is far more than what was originally proposed by the Chandigarh Administration.

(7) In the light of the subsequent events, we dispose of the writ petition leaving it open for the petitioner-Bar Council to accept the offer given by the Chandigarh Administration vide memo dated 01.07.2015, without prejudice to its legal rights including initiation of appropriate proceedings for determination of fair and just price of the allotted land. In that event, the amount to be deposited by the petitioner-Council shall be subject to the final outcome of such proceedings.

(8) However, if the petitioner-Council declines the offer due to exorbitant rate of allotment, it may do so without prejudice to its right to challenge the offered rate of allotment and/or the other conditions of allotment like on leasehold basis instead of a free-hold property. Needless to say that if the petitioner-Council decides to accept the offer of allotment in terms of memo dated 01.07.2015, there would be no legal impediment in offering possession to it subject to the compliance of terms and conditions contained therein merely because the petitioner-Council has accepted such offer under protest.

(9) Mr. Deepak Sharma, Advocate for UT Administration has rightly pointed out that his presence was not recorded in the previous orders dated 24.04.2015, 01.05.2015 & 03.07.2015, inadvertently. Since he has been assisting this Court on previous dates, his presence shall be taken to have been recorded on the previous dates of hearing.

(10) **Dasti.**

(Surya Kant)
Judge

24.07.2015
vishal shonkar

(Lisa Gill)
Judge