

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

CWP No.13591 of 2014

Date of Decision:-31.03.2015

Jeet Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.**

**Present:- Mr. Vinod Gupta, Advocate
for the petitioner.**

Mr. Sandeep Moudgil, Addl. AG Haryana.

SATISH KUMAR MITTAL, J.(Oral)

The instant writ petition was filed by the petitioner challenging the order dated 17.6.2014 (Annexure P-16) whereby his application for change of land use was declined in view of Rule 26-A of Punjab Scheduled Road and Controller Areas Restriction of Unregulated Development Act, 1963, on the ground that the land in question is under acquisition.

On 11.3.2015 learned counsel for the petitioner while referring to a letter dated 2.1.2015 issued by the Director General of Industries and Commerce, Haryana, Chandigarh, stated that the State Government has dropped the aforesaid acquisition as per the decision of the Council of Ministers, Haryana. Now the land of the petitioner is free from all encumbrances and thus, he is entitled to get the change of land use in accordance with law.

The State counsel was asked to verify this fact and to seek instructions with regard to re-consideration of the application already filed by the petitioner for change of land use.

On 19.3.2015 State counsel sought more time to have instructions in terms of the earlier order.

In response to the above the State counsel has placed on record affidavit dated 24.3.2015 of Chief Town Planner, Department of Town and Country Planning, Haryana, Chandigarh, stating therein that in view of the withdrawal of the acquisition proceedings from the site in question, the Department will reconsider the CLU application of the petitioner for grant of change of land use permission for Primary Health Center over the land in question and decide the same on merits in accordance with law.

In view of the aforesaid this petition is disposed of with direction to respondent No.2 to reconsider the CLU application of the petitioner on merit expeditiously preferably within a period of four months.

(SATISH KUMAR MITTAL)
JUDGE

31.03.2015
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(HARINDER SINGH SIDHU)
JUDGE