

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.13809 of 2015
Date of Decision: September 21, 2015

Engineers' Auto CentrePetitioner
versus
State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MRS.JUSTICE SNEH PRASHAR.

Present: Mr.Arun Jain, Senior Advocate with
Mr.Varun Parkash, Advocate, for the petitioner.

-.-

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

Surya Kant, J. (Oral)

The petitioner has laid challenge to the orders dated 18.11.2005, 15.02.2008 and 06.04.2015 (P-3, P-11 & P-12, respectively), whereby allotment of land measuring 2673 square yards located at Chandigarh-Ludhiana main Highway was cancelled and its appeal and revision petition against that order have also been dismissed.

[2] The petitioner-firm runs is a retail outlet (petrol pump) which is located at Samrala road, i.e., Ludhiana-Chandigarh Highway. Adjoining to the petitioner's site, land measuring 2673 square yards was owned by the Punjab Government (Punjab Urban Development Authority). The petitioner got allotted that land vide a resolution dated 06.09.1988 (P-17) passed by the Departmental Committee, which reads as follows:-

“....Item No.3.

Regarding allotment of land in Sector 32, Samrala Road, Ludhiana adjacent to Engineer's Auto.

The matter regarding allotment of vacant land measuring 2300 square yards in Sector 32, Samrala Road, Ludhiana, adjoining Verdhman Spinning Mill and adjacent to Engineer's Auto Centre was considered and unanimously approved for the purpose of remodeling and Environmental Improvement.....”

(emphasis applied)

[3] The petitioner was formally allotted the subject land on 20.05.1991 (P-2) on the prescribed terms and conditions including the followings:-

“...8. That you shall not transfer the site to any person/institution.

9. xx xx xx xx

10. That you shall start the construction of the building/structure as approved by the Chief Town Planner, Punjab, within six months after the date of allotment and complete it within three years from the date of allotment.....”

[4] The petitioner was served with a show-cause notice that in violation of the terms and conditions of allotment, the subject site was not developed as a 'green area' rather the petitioner had issued an advertisement for its sale for commercial purposes. The petitioner's reply was considered

and having been found unsatisfactory, a self-speaking order dated 18.11.2005 (P-3) was passed cancelling the allotment. The petitioner challenged that order before the Appellate and Revisional Authorities unsuccessfully.

[5] The aggrieved petitioner has approached this Court.

[6] When this writ petition came up for preliminary hearing on 10.08.2015, the petitioner was directed to clarify the following factual issues; (1) whether any advertisement was issued inviting applications for allotment of subject site?; (ii) if so, let the allotment process be placed on record?

[7] In deference thereto, the petitioner has placed on record the proceedings dated 06.09.1988 (P-17). It is the conceded position that no advertisement was issued and no applications were invited.

[8] We have heard learned counsel for the petitioner and carefully gone through the record.

[9] In our considered view, the writ petition deserves to be dismissed for more than one reasons. We say so firstly for the reason that it was a case of allotment of a public property in a totally clandestine manner without considering the competing claims of other eligible persons. The petitioner appears to have manipulated to secure the allotment of a highly valuable site without allowing anyone else to compete for it. The Writ Court in exercise of its discretionary jurisdiction will be totally reluctant to accord the seal of approval to such like back-door unholy arrangement.

[10] Secondly, the petitioner is guilty of violating the terms and conditions of allotment. As may be seen, the allotment was made in the year 1991 and the record reveals

that till the year 2004-2005, the site was not developed as a 'green belt' for which it was 'resolved' to be allotted. Contrary to it, the petitioner issued an advertisement for its sale for commercial purposes. It was a brazen attempt to mis-use the subject site in total disregard to the terms and conditions of allotment to which the petitioner agreed.

[11] Since the petitioner has failed to honour the terms and conditions of allotment and the very object of developing the subject site as environmental boon has been defeated, no case to interfere with the cancellation of allotment is made out.

[12] Dismissed.

[SURYA KANT]
JUDGE

September 21, 2015
mohinder

[SNEH PRASHAR]
JUDGE