

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

CWP No.18716 of 2014

Date of Decision:-04.08.2015

Suraj Education Society

.....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. S.S. Nara, Advocate
for the petitioner.**

Mr. Sandeep Moudgil, Addl. AG Haryana.

SATISH KUMAR MITTAL, J.(Oral)

Suraj Education Society has filed the instant writ petition for quashing of the orders dated 3.12.2010 as well as 30.8.2011 whereby the prayer for grant of permission of C.L.U. has been rejected on the ground that the land in question falls within the agricultural zone and as per the published Draft Development Plan, Jhajjar, no other activities can be permitted in the said zone.

In Annexure-P8 dated 30.8.2011 when second time the prayer was rejected it was also stated that no justification for grant of relaxation in zoning regulations has been given in the application therefore, the said prayer for relaxation in zoning regulations was also not considered. The petitioner-society has also challenged the order dated 4.12.2012 whereby its review application has also been dismissed.

We have heard learned counsel for the parties.

During the course of hearing it has been argued by learned counsel for the petitioner that many other educational institutions in District Jhajjar have been granted permission of C.L.U after relaxation of the zoning regulations. In this regard, in the affidavit dated 29.7.2015 filed by the Director General, Town and Country Planning Department, Haryana, Chandigarh, it has been explained that as far as the petitioner-society is concerned it never filed any application seeking exemption under Section 7-A of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963, by giving valid reasons, therefore, its prayer for exemption was rejected.

During the course of arguments it has not been disputed by learned counsel for the petitioner that no such written prayer was made by the petitioner.

Learned counsel for the petitioner submitted that the petitioner-society will again move an application for grant of permission of C.L.U. by giving the reasons for grant of relaxation in zoning regulations. Learned counsel for respondents states that if any such application is filed, the same will be considered in the light of the relaxation already granted to various institutions, in accordance with law.

Accordingly, we dispose of this petition with liberty to the petitioner to file a fresh application for grant of permission of C.L.U. along with an application for grant of relaxation in zoning regulations

and if any such applications are filed, the respondents are further directed to consider and decide the same in the light of the decision already taken with regard to grant of permission of C.L.U. where exemption has been granted, in accordance with law, expeditiously.

(SATISH KUMAR MITTAL)
JUDGE

04.08.2015
reema

(HARINDER SINGH SIDHU)
JUDGE