

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

CWP No. 4819 of 2014 (O&M)

DATE OF DECISION : 28.04.2015

M/s Bindlish Enterprises

.... PETITIONER

Versus

State of Punjab and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Dr. Anmol Rattan Sidhu, Senior Advocate, with
Mr. Rajesh Narang, Advocate,
for the petitioners.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

Mr. D.V. Sharma, Senior Advocate, with
Ms. Shivani Sharma, Advocate,
for respondents No.3 to 5.

Mr. K.K.Gupta, Advocate,
for respondent No.9.

* * *

SATISH KUMAR MITTAL, J. (Oral)

Present writ petition has been filed by M/s Bindlish Enterprises challenging the order dated 04.07.2008 (Annexure P-9) passed by the Chief Town Planner (respondent No.6 herein) vide which the application filed by the petitioner for change in land use from Industrial to Hotel has been dismissed; as well as the order dated 01.10.2008 (Annexure P-14) passed by respondent No.3, whereby the application of the petitioner filed under

Section 81 (1) of the Punjab Regional & Town Planning & Development Act, 1995 for change in land use from industrial to commercial has been dismissed.

After passing of the aforesaid orders, the resumption proceedings were initiated against the petitioner on the ground of misuse of the premises. Vide order dated 31.08.2012 (Annexure P-20), resumption was ordered on the said ground. An appeal filed by the appellant against the said order was dismissed vide order dated 05.06.2013 (Annexure P-21). The revision filed against the said order has also been dismissed.

Till date, the petitioner has not challenged the order of resumption, which has been affirmed upto the revisional authority.

After hearing learned counsel for the parties, we are of the opinion that once the plot in question has been ordered to be resumed, the petitioner cannot maintain the instant petition challenging the order, whereby change in land use was declined.

Faced with this situation, learned counsel for the petitioner prays that the petitioner may be permitted to withdraw this petition with liberty to challenge the resumption orders by availing the appropriate remedy under the law.

Dismissed as withdrawn with the aforesaid liberty.

However, it is made clear that it will be open for the petitioner to take a plea with regard to the non-grant of change of land use in the

aforesaid proceedings challenging the resumption of the site in question.

(SATISH KUMAR MITTAL)
JUDGE

April 28, 2015
manoj/ndj

(HARINDER SINGH SIDHU)
JUDGE