

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

**CWP No.8939 of 2015
Date of decision: 25.5.2015**

Mrs. Rachna Chug and another

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Himanshu Puri, Advocate for the petitioners.

Ajay Kumar Mittal,J.

1. The petitioners seek quashing of order dated 4.9.2014, Annexure P.13 passed by respondent No.2 whereby claim of petitioner No.1 for allotment of a 2 kanal industrial plot at Panchkula for setting up a fruit processing and canning unit (industry) had been rejected. Further prayer has been made for quashing the allotment in favour of respondent Nos. 4 to 10.

2. A few facts relevant for the decision of the controversy involved, as discernible from the perusal of the paper book, may be noticed.

Through advertisement dated 25.10.1988, Annexure P.1, potential entrepreneurs of Haryana were advised to contact Chief Administrator,

HUDA, Manimajra for allotment of industrial plots at Panchkula. It was also stated that the plots were available on 'first come first serve basis'. In pursuance to the said advertisement, petitioner No.1- Mrs. Rachna Chug made application dated 21.4.1989, Annexure P.2 for allotment of a two kanal industrial plot at Panchkula for setting up a fruit processing and canning unit (Industry). Alongwith the application, a project profile of the unit and draft of earnest money of ₹ 12,600/- were also enclosed. The Chief Administrator, HUDA forwarded the said application to the Directorate of Industries, Haryana for examination by the second line committee. The Directorate of Industries vide letter dated 15.5.1989, Annexure P.3 asked both the petitioners herein to appear in person before the allotment committee on 22.5.1989 for consideration of their case. The petitioners appeared before the committee. Vide letter dated 29.5.1989, Annexure P.4, the said committee recommended the case to the Chief Administrator. It was also stated in the said recommendation that while issuing provisional letter of allotment in favour of petitioner No.1, the principle of first come first serve basis or the seniority maintained by the HUDA office should be strictly adhered to. Before issuing the recommendation letter, the committee asked petitioner No.1 to furnish affidavit and other formalities which she did on 23.5.1989 to the effect that within three-six months from the date of provisional letter of allotment, she shall get herself registered with the industries department and that she will get the building plan approved from the competent authority. The respondent authorities did not allot the plot to petitioner No.1. Petitioner No.1 came to know that six plots of two kanals were given to respondent Nos. 4 to 10 although they were not the applicants nor were they interviewed. According to petitioner No.1, she

was not allotted plot although she was at No.50 whereas the plots available were 55 in number. Both the petitioners filed representation dated 22.1.1992, Annexure P.7 to the authorities. The said representation was sent to the Estate Officer, HUDA by the Director of Industries with his letter dated 4.3.1992, Annexure P.8 in which it was made clear that the petitioners as well as others were recommended to HUDA for allotment of industrial plots in Industrial Area, Panchkula, on the principle of first come first serve basis as per the seniority maintained by the second line committee. It was requested that the parties may be considered for allotment as per the policy. In the meantime, another advertisement dated 20.2.1992, Annexure P.9 was issued by the Directorate of Industries for allotment of industrial plots at Panchkula. Petitioner No.1 approached this Court through CWP No.13181 of 1992 which was decided vide order dated 9.1.2014, Annexure P.10 directing the competent authority to decide her claim as per the current policy within four months from the date of receipt of a certified copy of the order. The petitioners approached the respondent authorities alongwith the copy of the order and sent various representations but the claim of the petitioners was rejected vide impugned order dated 4.9.2014, Annexure P.13. In spite of filing various representations, Annexure P.14 by the petitioners, no action was taken by the respondents. Hence the instant writ petition.

3. We have heard learned counsel for the petitioners.

4. We do not find any error in the action taken by the respondents in declining the claim. A perusal of the impugned order dated 4.9.2014, Annexure P.13 passed by the Chief Administrator, HUDA, Panchkula and also Annexure P.10 shows that CWP No.13181 of 1992 which was decided

on 9.1.2014 was filed by petitioner No.1. The Chief Administrator, HUDA, Panchkula decided the claim ex-parte on the basis of the record of the case as notice issued by him vide memo No.2481 dated 11.6.2014 for appearance on 17.6.2014 remained uncomplied with. This was followed by further opportunity granted for 4.7.2014 for which notice was issued vide memo No.2696 dated 23.6.2014 in response to which also no one appeared.

5. This Court vide order dated 9.1.2014 while disposing of CWP No.13181 of 1992 had noticed that since the policy of first-cum-first serve basis is disapproved, therefore, no direction for allotment of plot to the petitioner at the old price could be issued. However, the competent authority shall decide the petitioner's claim for allotment of plot as per the current criteria/policy and if any favourable decision is taken, then such allotment shall be at the current rate of allotment. Respondent No.2 after examining the record and considering the relevant provisions of Estate Management Procedure - 2011 concerning allotment of Industrial plots had concluded that the claim for allotment of an industrial plot could not be considered and rejected the same with the following observations:-

“A constructive reading of the above provisions shows that except for mega and prestigious projects etc., in every other case of allotment of industrial plot, an application alongwith earnest money is a mandatory requirement and such application is to be made in pursuance to a public advertisement alone. The pool of applicants are then short listed for allotment by the committee as per clause 1.3 (ii) on their relative merits and demerits as per the details in the application and interview/interaction with the committee.

Therefore, the petitioner is at liberty to apply whenever an advertisement is issued by HUDA inviting applications for allotment of industrial plots at Panchkula and the same shall be

considered in the right earnest on receipt of such application alongwith other applicants if any.

Hence the claim of the petitioner for allotment of an industrial plot cannot be considered and is rejected at this stage.”

6. In view of the above, there is no merit in the petition and the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

May 25, 2015
'gs'

(Rekha Mittal)
Judge