

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.16342 of 2012

ORDER:

The petitioner challenges the communication LR.No.ZO/IP-BCNL/P-36/2009/375 dated 19.08.2011 and Lr.No.ZO/PTC/IP-BCNL/IP-36/2009/543 dated 27.10.2011 as illegal, arbitrary and unconstitutional.

2. On 30.12.2015, this Court passed the following interim direction:

“It is a case where allotment of land made earlier to the petitioner was cancelled on the ground that the petitioner had not complied with the conditions set out by the respondents-Corporation within the time frame. Considering the factual aspects involved in the matter and considering that the petitioner even as on today is ready and willing to set up the industry and the respondents-Corporation being the facilitator for setting up such industries, opportunity is given to the petitioner to approach the respondents-Corporation seeking either re-allotment of the land or seeking fresh allotment by placing relevant material with regard to the necessary proposals for setting up the industry. As and when the petitioner approaches the respondents-Corporation as stated supra, the respondents-Corporation shall consider the request of the petitioner in accordance with the Rules and Regulations in vogue and further taking into consideration the fact that allotment of land was made to the petitioner on earlier occasion.

Post after Pongal Vacation.”

3. At the time of hearing, learned counsel appearing for both the parties have drawn the attention of the Court to Lr.No.72253/AMW/BUC/PTC/2016 dated 19.03.2016 whereunder the request of the petitioner made through letter dated 07.01.2016 has been rejected. The respondents, however, while rejecting the request gave liberty to the petitioner as follows:

“However, you may file on line application afresh for examining the same for allotment of land as per present guidelines and for release of allotment on approval of revised layout and clearance form Pollution Control Board.”

4. In view of the subsequent development, I am of the view that for the present the original cause of action, which was stated in the writ petition,

does not survive. The petitioner is given liberty,
within four (4) weeks from the date of receipt of a copy of this order,
to submit a comprehensive representation with alternative requests afresh,
as noted in the letter dated 19.03.2016 and upon such representation being
made by the petitioner, the respondents are directed to process and take
appropriate decision on allotment within a further period of two (2) months
from the date of receipt of the representation from the petitioner. It is
needless to observe that the petitioner has been applying for allotment to Plot
No.36 and as regards Plot No.36 is concerned, the parties are directed to
maintain *status quo* till a decision is taken and communicated to the
petitioner.

With the above observation, the writ petition is disposed of.
As a sequel, the miscellaneous applications, if any pending, shall stand
closed. There shall be no order as to costs.

March 30, 2016
DSK

S. V. BHATT, J