

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.13307 of 2016 (O&M)

Date of Decision: 12.07.2016

Neki Ram & Anr.

... Petitioners

VS.

State of Haryana & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE DARSHAN SINGH**

Present: Mr. Vivek Khatri, Advocate for the petitioners

Ms. Palika Monga, DAG Haryana

SURYA KANT, J. (Oral)

(1) Notice of motion to respondents No.1 to 4 only. On our asking, Ms. Palika Monga, DAG Haryana accepts notice on their behalf. Let two copies of the writ petition be handed over to learned State counsel during the course of day. In view of the order which we propose to pass, there is no necessity to issue notice to respondent No.5 nor any reply is required from the official respondent, at this stage.

(2) The petitioners are father and son, respectively. It appears that petitioner No.2 wanted to set up a Retail Outlet (Petrol Pump) at Karnal and applied for Change of Land Use (CLU) for the said purpose. The land was owned by his father, namely, petitioner No.1. That application was finally turned down vide order dated 25.01.2013 (P4) for the following reasons:-

“1. There is violation of section 7(1) of the Haryana Development and Regulation of Urban Area Act, 1975 and applied site is a part of unauthorized colony, wherein 1058.75 sq.yd.land has been sold in the shape of eight plots to nine purchasers.

2. *Applied site falls on the corner of T-Junction of Road, as per IRC Guidelines the site does not fulfill distance parameter from road junction.*

3. *LOI issued by Oil Company is in the name of Sh. Vishal Chaudhary, but the ownership of land is in the name of Sh. Neki Ram s/o Maan Singh.”*

(3) The petitioners submitted their reply to the above-reproduced objections and it appears they again applied for grant of permission of CLU on 03.06.2016 (P7). That application has not been entertained on the plea that the reasons for rejecting the CLU grant are already conveyed to them vide memo dated 25.01.2013 i.e. as reproduced above.

(4) The aggrieved petitioners have approached this Court.

(5) As regards Objection No.3, it appears that petitioner No.1 has transferred the land in the name of petitioner No.2 and the said objection thus no longer survives.

(6) As regards objection Nos.1&2, it is claimed that the petitioners have a valid explanation and they are ready to deposit the requisite charges in accordance with law.

(7) Having heard learned counsel for the parties, we are of the considered view that if there is a valid explanation given *qua* objection Nos.1&2, the petitioners' claim for grant of CLU surely requires reconsideration by the competent authority.

(8) We thus dispose of the writ petition with a direction to respondent No.2 to give an opportunity of personal hearing to the petitioners; ascertain the correct facts with reference to the above-stated objections and take an appropriate decision in accordance with law within a

period of three months from the date of receipt of a certified copy of this order.

(9) Ordered accordingly.

(Surya Kant)
Judge

12.07.2016
vishal shonkar

(Darshan Singh)
Judge