

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

129

**CWP-26367-2016 (O&M)
Date of decision: 19.12.2016**

M/s SND Steels, 532-C, New Model House, Jalandhar

....Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Sandeep Arora, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has assailed the order dated 03.11.2016 passed by 3rd respondent.

2. The petitioner is stated to running the firm called M/s SND Steel, 532-C, Street No. 6 New Model House, Jalandhar. On 25.01.2016 Municipal Corporation, Jalandhar granted no objection till August 2020 to run the petitioner firm M/s SND Steels. Neighbours of the petitioner's filed a complaint before the authority on 31.03.2016 that the petitioner is running the industrial unit in existing residential area without obtaining no objection from various departments like Municipal Corporation, Industrial Development Department, Punjab Pollution Control Board and no electrical industrial connection is allotted to run the Unit. Pursuant to the complaint

the concerned officer issued notice to the petitioner on 17.05.2016 for which the petitioner has submitted his reply contending that on 15.07.2010 he had applied for power supply under the commercial head and no objection has been given after perusal of various documents. Thereafter, two more notices were issued to the petitioner on 14.06.2016 and 06.09.2016 for which he had submitted his reply. The competent authority perusing the reply of the petitioner as well as records passed a speaking order on 3.11.2016. The speaking order is pursuant to the investigation of the Illaqa Inspector which has been taken note of by the competent authority which reads as under:-

“As per above complete file after the investigation of the Illaqa Inspector and enquiry of Assistant Town Planner following facts came to light:-

- 1) That as per the POWERCOM department request from the applicant for getting power connection had been made as on dated 15.07.2010 and as per the Master Plan of Jalandhar, same had been notified on dated 23.08.2010. Therefore, there are no documents to show installation of the connection, and only on the basis of date of apply it cannot be presumed that POWERCOM was made functional prior to the applicability of the Master Plan or not.*
- 2) From the year 2009 Department of the Local Government Punjab ordered for CLU from the holders of non existence in the year 2010 then there was necessity for CLU certificate, which is not on the file.*

3) *It has been given in writing by the owner applicant/SND Unit that the first commercial bill of his building had been issued in the year 2012 instead of the year 2015. In this way it becomes clear that business/industrial unit had been started after the year 2010, meaning thereby after the applicability of the Master Plan.*

4) *No site map of SND unit residential/business/industrial has been passed therefore the building is unauthorized and against unauthorized buildings action is liable to be taken.”*

3. Thus, the petitioner has questioned the speaking order dated 03.11.2016 as it is not in accordance with law and also necessary materials have not been taken note of by the competent authority before cancelling the permission. Heard learned counsel for the petitioner.

4. Perusal of the cancellation order dated 03.11.2016, it is evident that the inspection authority after holding the enquiry they have found the petitioner's industrial unit is being run without necessary permission, no objection and clearance from State Pollution Board etc. Thus, the petitioner has not made out a case so as to interfere with the cancellation order dated 03.11.2016 vide Annexure P11.

5. Hence petition stands dismissed.

19.12.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No