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

(1) CWP No.636 of 2015 (O&M)

Date of Decision: 26.09.2016

M/s Logical Developers Pvt. Ltd. and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

(2) CWP No.702 of 2015 (O&M)

M/s Logical Developers Pvt. Ltd. and others

..... Petitioners

Versus

State of Haryana and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

- | | |
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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |
| 3. Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |
| 4. To be referred to the Reporters or not? | Yes/No |
| 5. Whether the judgment should be reported in the Digest? | Yes/No |

Present: Mr. Sanjeev Sharma, Senior Advocate with
Mr. Shekhar Verma, Advocate,
for the petitioners.

Mr. R.D. Sharma, DAG, Haryana.

Mr. Aashish Chopra, Advocate,
for respondent No.3.

SURYA KANT J. (ORAL)

(1) This order shall dispose of the above-captioned cases as the nature of relief sought in both the cases is similar.

(2) The petitioners have laid challenge to the order dated 11.11.2014 passed by the Principal Secretary to Government of Haryana,

Town and Country Planning Department in purported exercise of his appellate powers under Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975. Vide the said order, the appellate authority has set aside the order dated 11.08.2014 of the Director General, Town and Country Planning whereby the Letter of Intent earlier granted to the petitioners was revived and consequential licence was ordered to be granted.

(3) The appellate order has been passed at the instance of respondent No.3, who, like the petitioners, is also a private builder-cum-colonizer.

(4) During the course of hearing of this petition, it transpires that there are several factual issues raised from both sides which have not been effectively dealt with in the appellate order under challenge. While it is not necessary for this Court to enlist those issues or express any opinion in relation thereto as it may unnecessarily prejudice either of the parties, it appears expedient to set aside the appellate order with a direction to the appellate authority to re-decide the appeal filed by the third respondent afresh and in accordance with law.

(5) Ordered accordingly.

(6) Resultantly, the appellate order dated 11.11.2014 (P-32) is set aside and the matter is remitted to the Additional Chief Secretary, Town and Country Planning Department, Haryana for fresh adjudication of the appeal. The appellate authority, in addition to the adjudication of the contentions to be raised by both the parties, shall be obligated to determine the following two issues:-

(i) *Whether the appeal at the instance of 3rd respondent was maintainable?*

(ii) Whether the order dated 11.11.2014 has been passed on the first review application or the second review application? If it is found that it was passed pursuant to the second review application, whether such second review application was maintainable or not?

(7) Parties shall be at liberty to supplement their pleadings before the appellate authority by way of additional affidavits.

(8) The appellate authority shall decide the appeal as early as possible but not later than three months from the date of receipt of certified copy of this order.

(9) The interim order passed by this Court on 16.01.2015 shall continue to operate till the decision of the appeal and for another period of two weeks thereafter.

(10) It is clarified that we have not expressed any views on the merits of the case.

(11) Disposed of.

(SURYA KANT)
JUDGE

26.09.2016

Bhumika

(SUDIP AHLUWALIA)
JUDGE