

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8168 of 2016.

Date of Decision: July 21, 2016

Shri Vishnu Overseas Pvt. Ltd.

.....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present: Mr.Sandeep Sharma, Advocate, for the petitioner.
Ms.Palika Monga, Deputy Advocate General, Haryana.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 5 only.

On our asking, Ms.Palika Monga, learned Deputy Advocate General, Haryana, accepts notice on their behalf.

Let five copies of the writ petition be supplied to learned State counsel during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 to 5 or to serve respondent Nos.6 to 8 at this stage as no order prejudicial to their interest is being passed.

The petitioner purchased some land from M/s Sunrise

Chemical, Kaithal who had already applied for Change of Land Use (CLU)

and is claimed to have deposited the 'External Development Charges' with the Town and Country Planning Department. As the land was within the municipal limits, the Town and Country Planning Department was not the Competent Authority to grant CLU as such powers stood transferred to the Director, Urban Local Bodies Department, Haryana. The Directorate of Urban Local Bodies Department, Haryana has granted CLU to the petitioner on 28.01.2016 but subject to deposit of 'External Development Charges'.

The petitioner's case is that since the External Development Charges have already been deposited with the Town and Country Planning Department, it cannot be axed twice for the same charges.

The above-stated claim has been raised by the petitioner vide representation dated 09.02.2016 (P-23) also which is addressed to the Town and Country Planning Department as well as the Urban Local Bodies Department. We thus dispose of this writ petition with a direction to the Principal Secretaries of both the Departments to ascertain the correct facts and take an appropriate decision with regard to refund and/or adjustment of the amount said to have been deposited by the petitioner for the same purpose. However, if there are any other charges leviabale on the petitioner under the statute/rules, a reasoned order be passed in this regard within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly.

Dasti.

**[SURYA KANT]
JUDGE**

July 21, 2016

**[DARSHAN SINGH]
JUDGE**