

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-689-2016
Date of Decision: July 11, 2016

Baba Mehar Singh Memorial College of Education and another
...Appellants

Versus

State of Punjab and others
...Respondents

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

Present: Mr. Sameer Sachdeva, Advocate,
for the appellants.

Mr. Rajesh Bhardwaj, Addl. AG, Punjab.

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)

The appellants approached this Court through a writ petition seeking direction to consider and grant necessary approval for the Building Plans and Change of Land Use. The aforesaid approval/sanction was to be accorded by the authorities of Town and Country Planning Department, so that the building of the college/institute which is already functional, could be regularised.

Learned Single Judge has dismissed the writ petition observing that there are 209 colleges situated in the State which are imparting B.Ed. Course, hence, there is no need to open another new college. We are afraid that such a reasoning is beyond the issue that was raised in the writ petition.

The question as to whether the appellants are entitled to the change of land

use on deposit of requisite fee and whether their building plans can be sanctioned or not; essentially fall within the domain of the authorities. It is for them to take a final decision in accordance with law, Regulations and their policy.

We, thus, dispose of this appeal as well as the writ petition with liberty to the appellants to apply in the prescribed format along with requisite fee etc. to the prescribed authority who shall then take an appropriate decision in accordance with law, Regulations and policy within a period of four months from receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

(DARSHAN SINGH)
JUDGE

July 11, 2016
P Kapoor