

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

CWP-21388-2008 (O&M)

Date of decision:- 26.09.2017

M/s RJS Finance & Investments Pvt. Ltd. and others

...Petitioners

Versus

The State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, CHIEF JUSTICE
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present:- Mr. Aashish Chopra, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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S.J. VAZIFDAR, C.J. (ORAL)

The petitioners seek a writ of certiorari to quash an order dated 12.05.2008 passed by respondent No. 2 - the Director, Town & Country Planning, Haryana and an order dated 29.09.2008 passed by respondent No. 1 - State of Haryana through Financial Commissioner & Principal Secretary to Government of Haryana, Town and Country Planning Department declining their applications for grant of licenses for setting up a Cyber Park under the Haryana Development and Regulation of Urban Areas Act, 1975 and a writ of mandamus directing the respondents to grant the licenses.

2. The primary ground on which the licenses have been refused is that the property in respect whereof they were sought has been acquired under the Land Acquisition Act, 1894. Indeed, if the land stands acquired, there is no ground for granting the licenses.

3. Mr. Chopra, the learned counsel appearing on behalf of the petitioners, however, contends that the acquisition was challenged in CWP-17464-2007. The petition he states was decided in favour of the petitioners herein by an order and judgement dated 27.10.2016. In other words, the land as a result of that decision is not under acquisition. However, the respondents have filed a Petition for Special Leave to Appeal against the order and judgement dated 27.10.2016 which is pending in the Supreme Court. In other words, the fate of this petition would in fact depend upon the result in the appeal pending in the Supreme Court.

4. As we mentioned earlier, if the appeal is decided against the petitioners, there would be no question of the petitioners being granted the licenses for the land no longer would then belong to the petitioners. If, on the other hand, the petitioners succeed in the appeal before the Supreme Court, the respondents would have to consider the application(s) for the licenses.

5. Mr. Chopra, however, states that if the petitioners fail in the appeal before the Supreme Court, they would be entitled to challenge the acquisition on the other grounds.

6. Be that as it may, the fate of this petition would ultimately depend upon the acquisition proceedings. If they are upheld in any proceedings or for any reason, there would be no question of the petitioners being granted the licenses. On the other hand, if the acquisition finally lapses, the respondents would have to consider the application(s) for the licenses under the 1975 Act in accordance with law.

7. In these circumstances, the petition is disposed of.

8. To reiterate, in the event of the petitioners succeeding in having the acquisition proceedings set aside, the

respondents shall consider and process the application(s) for the licenses in accordance with law. This order and judgement cannot possibly affect the liberty granted by the order of the Supreme Court dated 11.08.2017 in the appeal filed by the respondents.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

26.09.2017
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No