

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11999 of 2017 (O&M)

Date of Decision: 26.05.2017

Bal Krishan Singla

... Petitioner

VS.

Chandigarh Administration & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE HARI PAL VERMA**

Present: Mr. Girish Agnihotri, Senior Advocate with
Mr. Arvind Seth, Advocate for the petitioner

SURYA KANT, J. (Oral)

(1) The petitioner has laid challenge to the order dated 31.08.2010, 18.03.2013, 24.10.2016 whereby his claim for conversion of land use in respect of Industrial Site No.29/3, Industrial Area, Phase-II, Chandigarh into commercial activity for which he had applied on 15.09.2006 along with 10% earnest money, has been declined. While dismissing the petitioner's revision petition, the revisional authority in its order dated 24.10.2016 (P28) has observed that as per condition No.6(iv) of the 2005 Scheme for conversion of land use into commercial activities, arrears of lease money, premium or part due, interest etc. were required to be paid by the applicant before submitting the application for conversion and that "*the petitioner did not comply with these conditions before applying for the conversion of land use...*". The other objection taken against the petitioner is that the application for conversion was required to be submitted within a period of two years when this scheme was in force but the petitioner did not fulfill conditions No.6(iv) & 8 of the 2005 Scheme within the time frame.

(2) Learned counsel for the petitioner vehemently urges that the Revisional Authority was not correct on facts and both the reasons assigned

against the petitioner are contrary to record. He submits that all the due payments were either deposited by the petitioner or the industrial plot had been exempted from such payments and thus there was no deficiency on the basis of which petitioner's application for conversion could be rejected. Similarly, the petitioner is said to have deposited the due amount and applied before expiry of validity period of the scheme which was statedly extended to another one year.

(3) Since the petitioner has taken a categorical plea that the order passed by the revisional authority is based upon erroneous factual premise and if so proved, the revisional authority would be required to take correctional steps. We dispose of the writ petition as withdrawn with liberty to the petitioner to approach the revisional authority for recall/modification of the order dated 24.10.2016. We have no reason to doubt that the revisional authority shall reconsider the petitioner's claim *re*: fulfillment of all the eligibility conditions.

(4) With liberty afore-mentioned, the writ petition is disposed of as withdrawn. However, in the event of an adverse order, the petitioner shall be at liberty to again approach this Court.

(Surya Kant)
Judge

26.05.2017
vishal shonkar

(Hari Pal Verma)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No