

CM-8777-2017 in/and
CWP-13229-2017 (O&M)

-1-

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-8777-2017 in/and
CWP-13229-2017 (O&M)
Date of Decision: August 01, 2017

ICL Hi-Tech Educational Society

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDHIR MITTAL**

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

.....

Present: Mr.R.Kartikeya, Advocate
for the petitioner.

Mr.Vijesh Sharma, DAG, Haryana.

Mr.K.K.Gupta, Advocate
for respondent Nos.2 and 3.

Mr.P.K.Chugh, Advocate
for respondent No.4.

Mr.Rajesh K.Sheoran, Advocate
for respondent No.5.

.....

SURYA KANT, J.

The short question which arises for consideration as of now is whether the decision of the All India Council for Technical Education (AICTE) dated 11.04.2017 whereby approval to the petitioner-Institute for the purpose of admission to Diploma in Engineering and Diploma in Lateral Engineering has been declined, is sustainable in law?

[2] The undisputed facts are that the AICTE declined its approval

on the grounds that (i) the petitioner-Institute has failed to submit authentic 'Land Use Conversion Certificate' issued by the Competent Authority for using the land from agriculture to educational purpose; and (ii) the plan and drawings do not carry any approval date and number or the seal of the Competent Authority.

[3] The case of the petitioner-Institute, on the other hand, is that the land where the Institute has been set up is located in the revenue estate of village Sountli, Post Office Shahzadpur, Tehsil Naraingarh, District Ambala, and it does not fall in the 'Controlled Area' declared by the State of Haryana. For that reason alone, the petitioner-Institute is not required to obtain any 'Change of Land Use' Permission. In fact the petitioner-Institute applied to the Department of Town and Country Planning, Haryana, and vide Memo dated 28.03.2017 (P-10), the said Department has intimated that 'No Objection Certificate' for ICL Institute of Technical Education has already been issued and it is clarified that the land of the Institute “does not fall under any controlled area/urban area declared by the department. Hence, there is no requirement to obtain change of land use permission and approval of building plans from the office. Hence, this office has no objection to running educational Institute.....”

[4] In view of the categorical stipulation by the Town and Country Planning Department to the effect that petitioner is neither required to obtain 'Change of Land Use' Permission nor its building plans are to be approved by the said Department, we are of the view that both the objections raised by AICTE for denying approval to the petitioner-Institute are unsustainable.

The communication dated 11.04.2017 of the AICTE, thus, is quashed and the said Authority is directed to re-consider the petitioner's request for approval keeping in view the letter of the Town and Country Planning Department, Haryana, dated 28.03.2017. The appropriate decision shall be taken up by the AICTE within one week.

[5] Further, in the event of grant of requisite approval by the AICTE, the Haryana State Board of Technical Education is directed to re-consider the request of the petitioner-Institute for affiliation within one week of submission of the necessary documents.

[6] Disposed of.

[7] A copy of this order be given dasti under the signatures of the Bench Secretary to Mr.K.K.Gupta, learned counsel appearing for AICTE for information and necessary compliance, on payment of usual charges.

**(SURYA KANT)
JUDGE**

August 01, 2017
meenuss

**(SUDHIR MITTAL)
JUDGE**

1. Whether speaking/reasoned ?	Yes/No
2. Whether reportable ?	Yes/No