

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

CWP No. 17004 of 2016 (O&M)
Date of decision : 18.8.2017

Raman Ravi

.. Petitioner

versus

State of Haryana and others

.. Respondents

Coram: **Hon'ble Mr. Justice Rajesh Bindal**
 Hon'ble Mr. Justice Gurvinder Singh Gill

Present: Mr. Chetan Mittal, Senior Advocate with
 Mr. Prateek Gupta, Advocate, for the petitioner.

Ms. Palika Monga, Deputy Advocate General, Haryana.

Mr. Amit Parashar, Advocate, for respondent No.3 in
CWP No17004 of 2016.

Rajesh Bindal, J.

 This order will dispose of two petitions bearing CWP No.16591 and 17004 of 2016, as common question of law and facts are involved therein.

 Though challenge has been made to Draft Development Plan notified on 5.10.2015, however, the only issue sought to be raised by learned counsel for the petitioner is that the petitioner was granted change of land use permission for construction of motel with banquet facility on the land in dispute on 25.8.2010. The construction was to be completed within two years. The period otherwise is extendable on payment of requisite fee.

 From 14.7.2011, the matter remained in litigation, as the land in question

along with other portion of land was notified for acquisition. Finally the acquisition in question was withdrawn on 11.3.2015. On 15.7.2015, the petitioner was granted one year's time for completion of project upto 25.8.2016. Learned counsel for the petitioner raised apprehension that the land in question may fall in the area meant for road NH-8 (old number) i.e. Delhi-Jaipur National Highway.

The definite stand taken by the respondents in affidavit dated 3.5.2017 filed by Kamal Kumar, Chief Coordinator Planner, Department of Town & Country Planning Haryana, is that extension of urbanizable zone in the DDP-MBIR has no adverse effect on the site of the petitioner and the petitioner has not been restrained by the Department to develop the project at site as per the permission/approval granted to her. Rather, the petitioner had failed to execute the project during the extended period. It has further been stated in the aforesaid written statement that as per the DDP-MBIR-2039 AD CLU was granted for the area within urbanizable zone earmarked for industrial use. The land of the petitioner, for which CLU has been granted, is not reserved for construction of bye pass or green belt.

Keeping in view the aforesaid stand taken by the respondents in the written statement filed, the grievance of the petitioner that there was embargo on him to execute the plan for which CLU was granted, is totally misconceived.

As far as the issue raised by learned counsel for the petitioner that further time be granted to complete the project, as earlier period granted was wasted in litigation is concerned, we are not impressed with the arguments. At the initial stage, when the CLU permission was granted to the

petitioner on 25.8.2010 till such time notification under Section 4 of the Land Acquisition Act, 1894 was issued on 14.7.2011. The petitioner was at liberty to execute the project. On 15.7.2015, admittedly the petitioner was granted another period of more than one year till 25.8.2016 to complete the project, but no effective steps were taken. If any further period is required for completion of project, the petitioner can apply to the Department concerned. The application, if any, filed, shall be considered in terms of the provisions of law or policy prevalent.

The petitions are disposed of accordingly.

(Rajesh Bindal)
Judge

(Gurvinder Singh Gill)
Judge

18.8.2017
sharmila

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