

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-19247-2017

Date of Decision: 28.8.2017

Pawan Kumar Sofat

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. Sanjiv Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. By way of instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the action of the respondents in bifurcating different zones and charging different rates for the purpose of CLU, EDC and LF/PF by making potential zones in the State of Punjab. Further, a direction has been sought to the Local Body Department to comply with the Government notification dated 6.5.2016 (Annexure P-3) in toto and not to charge different rates of CLU, EDC and LF/PF.

2. Department of Housing and Urban Development (Housing-II Branch), Government of Punjab vide its notification dated 6.5.2013 (Annexure P-1) fixed the rates for obtaining CLU, EDC and LF/PF by making potential zones in the State of Punjab. On the basis thereof, the

Department of Local Government (Town Planning Wing) issued instructions dated 26.8.2014 (Annexure P-2) to all the Commissioners of all Municipal Corporations and all Regional Deputy Directors of Urban Local Bodies. Vide Annexure P-2, the rates were reduced qua the residential zones, i.e. Residential plotted and residential group housing by 50% keeping the other categories at same rate. However, the Government vide notification 6.5.2016 (Annexure P-3), reconsidered the matter regarding the policy for obtaining CLU, EDC and LF/PF etc., the rates for such permission were reduced. Even if as per the notification, Annexure P-3, the various Urban Local Bodies decided to charge CLU, EDC and LF/PF etc. at the revised rates, the Urban Development Sector would grow and resultantly, the Government of Punjab would also be benefited. Accordingly, the petitioner moved the representations dated 19.6.2017 and 31.7.2017 (Annexures P-4 and P-5, respectively) to respondents No.1 and 2 for enforcement of policy dated 6.5.2016 (Annexure P-3) issued by the Government of Punjab, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent the representations dated 19.6.2017 and 31.7.2017 (Annexures P-4 and P-5, respectively) to respondents No.1 and 2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 31.7.2017 (Annexure P-5), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioner within a period of three months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

August 28, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No