

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

CWP-20756-2017 (O&M)

Date of decision:- 13.09.2017

Saak Hospital LLP

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Chanakya Pandit, Advocate,
for the petitioner.

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

The petitioner is aggrieved by the change in zoning plan by the respondents. The petitioner was allotted a plot which was intended to be used to construct and run a hospital thereon. The petitioner's grievance is that on account of the change in the zoning plan, the use of the plot for running a hospital is considerably hampered. It further alleges that the value of the plot has also reduced on account thereof.

2. By the letters dated 03.06.2016, 03.12.2016, 15.02.2017 and 10.07.2017, the petitioner sought a cancellation of the zoning plan so far as it affects the petitioner and also requested a re-negotiation on the price of the plot. The respondents have not responded to its representations as yet. On 07.07.2017, the respondents offered possession pursuant to the letter of allotment. In our view, at this stage, the respondents ought to respond to the petitioner's representations. Needless to say that we do not express any view on the merits of the contentions.

3. The petition is, therefore, disposed of by directing the respondents at this stage to respond to the petitioner's representations at Annexure P-11 collectively preferably by 15.10.2017. Needless to add that all the rights and contentions of the parties are kept open.

4. The petitioner is at liberty to pay the amounts as per the LoI without prejudice to its rights and contentions. The respondents shall be entitled to receive the amounts on the condition that in the event of the petitioner succeeding in any proceedings hereafter and the respondents being directed to refund any amount, they would be liable to pay interest, as may be determined by the Court, Tribunal or authority of competent jurisdiction.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

13.09.2017
Amodh

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