

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

Civil Writ Petition No.24262 of 2017

Date of decision: **October 27, 2017**

K.K.Health Services Pvt. Ltd.

...Petitioner

Versus

Union Territory of Chandigarh and others

...Respondents

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

Present: Mr.Rajbir Singh Guron, Advocate for
the petitioner.

S.J.VAZIFDAR, Chief Justice :

Petitioner's grievance is that his building plans are not being sanctioned on the ground that it has not obtained permission for conversion from nursing to new general trade purposes. The petitioner contends that it is not necessary to obtain such permission for conversion and that, in any event, it is not liable to pay any conversion charges. In this regard, the petitioner has addressed a letter dated 07.04.2015 to the Estate Officer, Union Territory Chandigarh. There has been no response to the same.

With a view to saving time and costs, but without prejudice to its rights and contentions, the petitioner is willing to pay conversion charges, if any demanded by the respondents, to enable it to have its building plans processed. In other words, the petitioner is willing to pay the amount of conversion charges under protest and subject to its rights to recover the same.

The writ petition is, therefore, disposed of by the following order:

The respondents shall reply to the petitioner's application dated 07.04.2015 (Annexure P-12) by 30.11.2017. In the event of the respondents contending that conversion charges are payable, the petitioner is at liberty to pay the same under protest and subject to its rights to recover the same.

Upon such payment and upon the petitioner fulfilling all its other obligations, the respondents shall process the application of the petitioner for revised building plans, in accordance with law.

It is clarified that mere payment of the amount under protest, will by itself, not entitle the petitioner to have the building plans sanctioned. The authorities concerned shall sanction the building plans, if all other requirements of law are satisfied.

As this order is passed in the absence of the respondents, they are at liberty to move for modification or setting aside this order, after giving petitioner's advocate a notice.

(S.J. VAZIFDAR)
CHIEF JUSTICE

October 27, 2017

(HARINDER SINGH SIDHU)

JUDGE Whether Speaking / Reasoned Yes / No Whether