

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

CWP No. 8162 OF 2016
Date of decision: 17.08.2017

M/s Mitter Fasteners and another	.. Petitioners
vs.	
State of Punjab and others	.. Respondents

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

Present:- Mr. Vikas Bahl, Senior Advocate with
Miss. Balpreet Sidhu, Advocate
for the petitioners.

Mr. Daldeep Singh Sukarchakia, Deputy Advocate General,
Punjab.

S.J. VAZIFDAR, CHIEF JUSTICE (ORAL)

The petitioners seek a writ of certiorari to quash the Revised Master Plans Ludhiana 2021 as amended on 29.01.2014 and 25.06.2013 to the extent that the area in the Municipal Council Doraha, which was originally reserved for industrial purposes in the Master Plan dated 22.02.2008/ 24.07.2008 had been converted into Residential Zone.

2. In view of the statement made on behalf of the respondents, it is not necessary to consider Mr. Bahl's submission on behalf of the petitioners. We may therefore only note them.

3. Mr. Vikas Behl, learned senior counsel appearing on behalf of the petitioners contended that the petitioners had purchased land under two sale deeds, both dated 13.07.2012. It is not necessary to refer the reasons for the petitioners having purchased the same. The land which is the subject matter of these sale deeds and of this writ petition, according to the petitioners, could be used for light industry and service industry as per the Master Plan, then in existence namely Master Plan made on 12.09.2008.

4. The petitioners believed that subsequently by the impugned decision, this land now falls within the residential zone. This decision was challenged essentially on three grounds. Firstly it was contended that a change in zoning i.e. user of the land is a major modification and that the provisions of Sections 70 to 76 of the Punjab Regional and Town Planning and Development Act, 1995 would apply to such a case. These provisions were not followed. It is then contended that the State Government alone can approve/make such a modification. In the present case it is the Board and not the State Government which approved the modification. Even if it was a minor modification, it is the State Government, who can approve the same and not the Board. Lastly, it is contended that the Agenda and decisions taken pursuant thereto even by the Board did not pertain to a change in the use of the land but only to change in the boundary of the Municipal Council. It is further contended that a mere change in the boundary of the Municipal Council does not necessitate a change in the user of the land, for land within the Municipal Council can be used for various purposes.

5. It is not necessary for us to deal with these contentions. The learned counsel appearing on behalf of the respondents submitted that the respondents do not rely upon the impugned modifications to the zoning plan of the years 2013-14. He contends that land purchased by the petitioners pursuant to the sale deeds dated 13.07.2012 always fell within the residential zone. If that is correct, then the land cannot be used for any purpose other than for residential use. The petitioners deny that the said land fell within the residential zone under the Master Plan dated 24.07.2008, which was notified on 12.09.2008. If the said land falls within the residential zone of the Master Plan 2008, the petitioners would

not be entitled to carry on any industrial activity thereon. However, if it falls within the light industry and service users, they would be entitled to use the same accordingly.

6. It need not be decided in this writ petition as to under which zone the petitioners' lands fall. That is for the authorities concerned to determine, in accordance with law.

7. The writ petition is disposed of accordingly with a direction that the petitioners' application, if any, for use of the land, shall be determined in accordance with law including as per the Master Plan, which was notified on 12.09.2008.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

17.08.2017
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Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No