

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.8226 of 2017

Date of Decision: April 24, 2017

M/s Sai Precious Traexim Pvt. Ltd.

.....Petitioner

versus

Haryana State Industrial & Infrastructure Development Corporation Limited

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Sudhir Sinha, Advocate, for the petitioners.

-. -

Surya Kant, J. (Oral)

The petitioner-Company purchased industrial plot No.GP-62 in Maruti Industrial Area, Sector-18, Gurgaon, by way of a registered sale deed dated 19.09.2007. The sale transaction has also got approval of the Civil Court as a suit for specific performance filed in respect of the same plot by M/s Prime Constructions against the vendor of the petitioner was partly decreed vide judgment and decree dated 19.09.2004 only to the extent of refund of the earnest money. The petitioner applied to HSIIDC, who had allotted the plot to the vendor, to mutate the same in petitioner's favour. After a long correspondence, HSIIDC has expressed its inability to transfer/mutate the plot in petitioner's favour on the ground that it is located within 900 meter radius of Ammunition Depot of the Air Force Station at Gurgaon.

[2] The aggrieved petitioner has approached this Court. Reliance is placed on an affidavit filed by the Government of India in a pending PIL before this Court where it is stated that a Committee constituted by the

around the Ammunition Depot of Air Force from 900 meter to 300 meter.

The petitioner claims that if the said decision is given effect, its plot shall stand excluded from the 'no construction zone'.

[3] We have heard learned counsel for the petitioner. There is uptill now no final decision to reduce the area of 'no construction zone' around the Ammunition Depot and as such the reason assigned by HSIIDC seems plausible. Nonetheless, it appears to us that entry of ownership has nothing to do with the construction of site. If the petitioner gives an undertaking by way of affidavit that it shall not raise any construction in violation of the Government of India notification or of the conditions as may have been imposed by the State Government in the area concerned, we see no reason as to why entry of ownership of plot can not be made in favour of the petitioner when title of the plot free from all encumbrances stands vested in it. We thus dispose of this writ petition with a direction to the respondent-HSIIDC to re-consider the whole matter subject to the petitioner's furnishing the affidavit in terms of the observations made herein-above.

[4] Let an appropriate decision be taken within a period of three months from the date of submission of affidavit by the petitioner.

[SURYA KANT]
JUDGE

April 24, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No