IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11887 of 2018

Date of Decision : 26.11.2018

Techman Estate Pvt.Ltd.

....Petitioner

Versus

Principal Secretary to Government of Haryana
and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE LALIT BATRA

Present: Mr.Vikas Bahl, Sr. Advocate with
Mr.Animesh Sharma, Advocate and
Ms.Harbani Shinh, Advocate
for the petitioner.

MAHESH GROVER, J. (Oral)

By this writ petition the petitioner prays that orders dated 28.11.2017, 25.07.2017, 29.05.2017, 02.01.2017 as also the orders dated 04.08.2016 and 24.04.2008 which have resulted in denial of licence to develop a residential group housing colony, be quashed.

The facts would reveal that the claim of the petitioner was dismissed vide a reasoned order dated 24.04.2008, whereafter the petitioner filed a review petition which he terms to be statutory, that came to be decided on 04.08.2016.

Learned counsel for the petitioner contends that the review petition being statutory was dismissed on the ground of delay which was wrong as he has preferred it within a stipulated period. Besides, the respondents themselves took an inordinately long time to decide it. Immediately after the decision in review the petitioner again submitted a representation which was decided on 02.01.2017. It is further contended that in view of the pronouncements of the Hon'ble Supreme Court in some of the cases, which, according to the petitioner, were attracted to his case

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and strengthen his claim for grant of licence, has not been considered by the respondents at all.

It is next contended by the learned counsel for the petitioner that they are willing to pay the licence fee that may be demanded from him as per today's criteria but his plea for grant of licence should be considered.

We have heard the learned counsel for the petitioner and have perused the impugned orders which reveal that the claim of the petitioner for grant of licence was declined on 24.04.2008 by a reasoned order. A review petition even if statutory would have a limited scope for interference and therefore, it was the primary order of 2008 which the petitioner was required to impugn within a reasonable time. Evidently the petitioner did not attach any seriousness to the cause espoused to the writ petition which was clearly negated in the order of 2008. That apart, we notice from the order dated 02.01.2017, passed on the representation made by the petitioner, where the respondents have stated that the reasons given in the order of 2008 would stand reiterated but also gave liberty to the petitioner to apply afresh in case he is interested in obtaining a licence to develop a colony. This adequately takes care of the concern of the petitioner if he is really serious in obtaining a licence for developing a colony.

Dismissed.

(MAHESH GROVER)
JUDGE

26.11.2018 (LALIT BATRA)
dss JUDGE

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

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