

CM-12040-2017 in/and
CWP-19753-2016 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-12040-2017 in/and
CWP-19753-2016 (O&M)
Date of Decision: January 12, 2018

Om Parkash and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SHEKHER DHAWAN

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.D.S.Patwalia,Sr.Advocate with
Mr.Kannan Malik, Advocate
for the petitioners.

Mr.Rajesh Bhardwaj, Sr.DAG, Punjab.
Mr.Rupinder Khosla, Sr.Advocate with
Mr.Sarvesh Malik, Advocate for M.C.Patiala.

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SURYA KANT, J.

CM-12040-2017

Application is allowed subject to all just exceptions. Annexure

A-1 is taken on record.

CWP-19753-2016

The petitioners are aggrieved by the order dated 12.04.2016
passed by Municipal Corporation, Patiala, whereby their application for

'Change of Land Use' (for short,'CLU') permission was rejected. They have

also laid challenge to order dated 19.08.2016 whereby 'No Objection Certificate' earlier granted to them for installation of 'Fuel Filling Station' at the site has been cancelled.

[2] The Municipal Corporation and other official respondents have filed their respective reply-affidavits. Learned counsel for the parties have been heard at a considerable length. Record has also been perused.

[3] It could be seen from the impugned order that 'CLU' permission was declined to the petitioners on the ground that they had applied for such permission for a part of their land and not for the entire area. The petitioners, on the other hand, have submitted that they have sought 'CLU' permission qua the area which they propose to use for the purpose of installation of 'Fuel Filling Station'. Their said explanation has been accepted by the Municipal Corporation/Authority on the basis of undertaking given on behalf of the petitioners. The Corporation, however, has now raised another objection that the petitioners are not entitled to 'No Objection Certificate' for setting up 'Fuel Filling Station' as there exists already another 'Fuel Filling Station' adjoining the petitioners' plot divided by a common wall. Since the above-stated objection is not the subject matter of adjudication in the instant writ petition and the earlier objection raised against the petitioners no more survives, the instant writ petition is disposed of as infructuous with liberty to the petitioners to submit a comprehensive representation to the Municipal Corporation, Patiala, to reconsider the request for grant of 'No Objection Certificate'/'CLU' permission for the subject plot for installation of 'Fuel Filling Station'. The Corporation

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shall pass a reasoned order in accordance with law within a period of two
months from the date of submission of the representation.

**(SURYA KANT)
JUDGE**

January 12, 2018
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**(SHEKHER DHAWAN)
JUDGE**

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|---------------------------------------|---------------|
| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |