

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

CWP No.14978 of 2018

Date of Decision : 17.12.2018

New Spring Dale Public School

....Petitioner

Versus

State of Haryana and others

...Respondents

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

Present : Mr.Aditya Grover, Advocate
for the petitioner.

MAHESH GROVER, J.(O)

Learned counsel for the petitioner states that the petitioner was allotted a site for primary school measuring 1.5 Acres in the year 1994. According to him, the petitioner had deposited the requisite amount but possession could not be given to the petitioner for utilisation as there was some litigation inter se between the parties which was finally concluded in the year 2015. The petitioner was then asked to take one Acre as 1.5 Acres plots were not available.

The petitioner asserted that immediately next to the area which has been offered to the petitioner there is vacant land out of which the remaining .5 Acre can be taken to be included in the site being offered to the petitioner so that the petitioner gets 1.5 Acres to satisfy the norms of the State as also to satisfy the claim of the petitioner to 1.5 Acres plot. In this regard the petitioner had submitted a legal notice and when it was not being decided the petitioner filed CWP-11-2018 which was disposed of on 03.01.2018 with a direction

to the respondents to look into the grievance of the petitioner and pass a speaking order thereon after giving an opportunity of hearing to the petitioner, which was done and order Annexure P-14, impugned now before us, is the result of that exercise.

A perusal of Annexure P-14 reveals that the site adjacent to the one offered to the petitioner from where the petitioner wants its deficit to be compensated is earmarked for a post office. Learned counsel for the petitioner contends that till date the site has not been utilised and there should not be any impediment in the way of the respondents to part with .5 Acre land in favour of the petitioner.

After hearing the learned counsel for the petitioner, we are of the opinion that the petitioner has no enforceable right in its favour and neither has any legal infirmity been shown in the impugned order. If a site has been earmarked for a post office, then the petitioner cannot insist and neither can we mandate that the site earmarked for post office be shrunk to give a benefit to the petitioner. It is entirely upto the respondents to look into this issue, We, therefore, decline interference but leave it to the respondents to see if there is any other site of 1.5 acre available and if so, the claim of the petitioner be considered in that regard.

Petition dismissed.

(MAHESH GROVER)
JUDGE

17.12.2018
dss

(LALIT BATRA)
JUDGE

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