

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.16745 of 2018.

Date of Decision: July 11, 2018

M/s J.S.Grover Auto Private Limited

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.S.K.Choudhary, Advocate, for the petitioner.
Mr.Rajesh Bhardwaj, Senior DAG, Punjab.

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Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 & 4 only at this stage.

On our asking, Mr.Rajesh Bhardwaj, learned Senior Deputy Advocate General, Punjab, accepts notice on their behalf.

Let two copies of the writ petition be handed-over to him during the course of day failing which this order shall be automatically recalled and the writ petition shall be deemed to have been dismissed for non-prosecution.

In view of the nature of order which we propose to pass, it is not necessary to seek any counter-reply from respondent Nos.1 & 4 or to serve respondent Nos.2 & 3 at this stage as no order prejudicial to their interest is being passed on merits.

The petitioner has taken land measuring 7 kanal 7 marla on lease-hold basis which is situated within the revenue estate of village

petitioner that the said land falls within the category of 'Extreme Border Zone'. The petitioner has, after taking the land on lease, raised construction to set-up an industrial unit. Amritsar Development Authority issued a show-cause notice dated 04.04.2018 to the petitioner objecting to the construction raised by it without obtaining 'Change of Land Use' permission. The petitioner in its reply relied upon the contents of Industrial and Business Development Policy-2017 notified by the Department of Industries and Commerce, Government of Punjab, Clause 10.19.2(i) whereof provides that one of the special incentive available to set-up a new unit will be that "no CLU will be required in this Extreme Border Zone to set-up Industry....". Despite such a plea, the petitioner's objection was rejected and the impugned communication dated 11.05.2018 (P-4) has been issued by the Chief Administrator, Amritsar Development Authority, claiming that construction raised by the petitioner is illegal.

We have heard learned counsel for the parties and gone through the record.

It appears that the petitioner's plea that no CLU permission is required to be obtained for the reason that industrial unit being set-up by it falls within the Extreme Border Zone, requires reconsideration by the authorities. We thus dispose of this writ petition with a direction to the Principal Secretary to Government of Punjab, Department of Industries and Commerce to treat this writ petition as a representation-cum-appeal on behalf of the petitioner against the order of the Chief Administrator, Amritsar Development Authority and decide the controversy in accordance with the Government Policy/law, within a period of one month from the date of receiving a certified copy of this order.

Till such decision is taken, *status-quo* re: demolition shall be maintained.

[SURYA KANT]
JUDGE

July 11, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

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