

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 26479 of 2015
Date of Decision : 12.03.2018

Raman Mittal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE AJAY KUMAR MITTAL*
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Umesh Narang, Advocate for the petitioners.

Mr. Jagmohan Ghuman, Deputy Advocate General, Punjab.

Mr. Umesh Sharma, Advocate for
Mr. Karanjeet Singh, Advocate for respondent No. 2.

Mr. Vikas Chatrath, Advocate with
Ms. Shalini Verma, Advocate for respondent No. 3.

Ajay Kumar Mittal, J.(Oral)

The petitioners residents of Amritsar have approached this Court by filing a writ petition under Articles 226/227 of the Constitution of India seeking quashing of the revised NOC dated 31.08.2005 (Annexure P-2), for conversion of public park/green belt into installation of 66 KVA Sub-station, which according to them, is against the interest of the residents of the area and in violation of the approved site plan of the Ranjit Avenue, Amritsar.

2. It is necessary to give brief factual matrix of the case. The primary dispute herein relates to the shifting of 66 KVA Sub-station, which is sought to be installed in the public park/green belt and is in violation of

the approved site plan of Ranjit Avenue, Amritsar. On 01.02.2018, during the course of hearing of the writ petition, learned counsel for the respondents had submitted that for installation of 66 KVA Sub-station, there is no site available except the area of Ranjit Avenue, whereupon, learned counsel for the petitioners sought time to apprise the Court whether any alternate site for installation of 66 KVA Sub-station was available or not.

3. In view of the aforesaid order, the petitioners have filed an affidavit of Smt. Praneet Kaur wife of Sh. Shivdarshan Singh, resident of Plot No. 890-D, 97 Acre Scheme Ranjit Avenue, Amritsar, wherein, it has been stated that the meeting of the residents of the area was held and after going through the site plan, various vacant sites were selected as an alternative for installation of 66 KVA Sub-station. The details of the alternative sites have been mentioned in para 2 of the affidavit, which are in the following terms :-

- I. There is total area of 12.25 acres kept for two Hotel Sites, Shopping Plaza and Multiplex, which are yet to be allotted and are nearby to the Green Belt/Park where the 66 KVA Sub-station is now proposed.
- II. There is commercial area with parking just across the road of Green Belt/Park where the 66 KVA Sub-station is now proposed, which can also be used for installation of 66 KVA Sub-station.
- III. That in the 'D-Block' area of Ranjit Avenue there are two vacant spaces which can also be used for installation of 66 KVA Sub-station.
- IV. It is pertinent to mention here that an area of 10.76 acres adjoining the existing green belt, where the 66 KVA Sub-station is now proposed has been exempted due to pendency of case RSA 2634 of 1993, which has

already been dismissed on 27.09.2001. This area can also be used for installation of 66 KVA Sub-station.”

4. It has been further submitted that the respondents have ample space in the area besides green belt/public park for setting up of 66 KVA Sub-station. The said affidavit is taken on record.

5. Learned counsel for the respondents stated that the petitioners or their representatives can appear before the respondent authorities regarding feasibility of the location as given in the affidavit and noticed here-in-above. The learned counsel assured the Court that a decision regarding the installation of 66 KVA Sub-station shall be taken after taking into consideration the view point explained by the petitioners or their authorised representatives. The writ petition is disposed of by directing the respondent-authorities to take decision for installing 66 KVA Sub-station at the new place within a period of three months from the date of receipt of certified copy of this order. Needless to say, the respondents thereafter shall implement the said decision expeditiously.

(AJAY KUMAR MITTAL)
JUDGE

March 12, 2018
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(ANUPINDER SINGH GREWAL)
JUDGE

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