

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-6448-2018

Date of Decision: 15.3.2018

M/s Moon Tex, Panipat

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Ashwani Talwar, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing the official respondents to allot an industrial plot of 1000 square meters in Sector 29, Part II, Panipat reserved for dyeing units to the petitioner.

2. Government of Haryana decided to acquire the land for the establishment of Sector 29, Part II, Panipat for shifting all the dyeing industrial units. Accordingly, the Deputy Commissioner, Panipat vide minutes of the meeting dated 3.4.2001 (Annexure P-1) conveyed the decision of the Government of Haryana to the representatives of the Dyeing Industries that the allotment of plot shall be made on 'no profit no loss'

basis. A team of officers of various Departments headed by Haryana Pollution Control Board was formulated to survey the existing dyeing units located in Panipat Township and as per the list, Annexure P-2, the committee identified 494 existing industrial units for such shifting and recommended to allot 1000 square meters land to the petitioner. Vide advertisement dated 11.7.2007, the applications were invited for the allotment of plots in Dyeing Zone, Sector 29, Part II, Panipat. In response thereto, the petitioner submitted an application along with documents including the earnest money (Annexure P-3 Colly) through Shri Deepak Gupta. Another application was also moved on behalf of the petitioner through one Shri Anil Gupta. However, respondent No.2 vide letter dated 24.12.2008 (Annexure P-4) called both the partners for personal hearing on 6.1.2009. Respondent No.3 vide letters dated 5.5.2009/29.9.2009 (Annexure P-5) refunded the earnest money deposited by the petitioner and directed that fresh application be moved after getting the orders regarding ownership from the competent Court of law. Feeling aggrieved, respondent No.4-Shri Anil Gupta filed civil suit No.297-2011 on 21.8.2009 for declaration. The trial court vide judgment and decree dated 16.8.2012 (Annexure P-6) dismissed the said civil suit against which an appeal was filed by respondent No.4. The lower appellate Court vide judgment and decree dated 28.7.2016 (Annexure P-6/A) also dismissed the appeal. Even the suit filed by respondent No.4 for declaration to the effect that the respondent-HUDA had no right, title or interest in allotting the plot in favour of Shri Deepak Gupta by treating him as proprietor/partner of the petitioner which was dismissed as withdrawn vide order dated 20.12.2016 (Annexure P-7). Thereafter, respondent No.4 sent a letter dated 22.12.2016

along with an affidavit (Annexure P-8 Colly) to respondent No.3 that the plot in question be allotted in favour of the petitioner through Shri Deepak Kumar. Respondent No.3 vide letter dated 20.2.2017 (Annexure P-9) asked respondent No.2 to take a final decision in the matter. Respondent No.2 vide e-mail dated 13.12.2017 (Annexure P-10) called for the details of vacant plots lying in the Dyeing Zone and vide order dated 16.1.2018 directed respondent No.3 to take necessary action in the matter as per the HUDA Policy. Further, vide letter dated 16.1.2018 (Annexure P-11), respondent No.2 directed respondent No.3 to await the decision of this Court in CWP-25-2016 before deciding the matter. The said writ petition was decided by this Court vide order dated 8.5.2017 (Annexure P-12) which related to the payment of gratuity to the teachers upon their retirement. Accordingly, the petitioner vide letter dated 19.1.2018 (Annexure P-13) requested respondents No.2 and 3 to allot an industrial plot in its favour as CWP-25-2016 had no concern to the allotment of a plot for dyeing units in reserved Sector 29, Part II, Panipat, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a letter dated 19.1.2018 (Annexure P-13) to respondents No.2 and 3, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the letter dated 19.1.2018 (Annexure P-13), in accordance with law by passing a speaking order and after affording an opportunity of

hearing to the petitioner within a period of two months from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

March 15, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes