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

**COCP No.1136 of 2018
Date of Decision: 22.10.2019**

Suruchi

Petitioner

Versus

Mohammad Tayyab, Deputy Commissioner-cum-Chairman,
Improvement Trust, Kapurthala and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vivek Thakur, Advocate
for the petitioner.

Mr. T.V.S. Lehal, Advocate
for the respondents.

AVNEESH JHINGAN, J (Oral):

Petitioner filed writ petition for quashing of order dated 29.12.2015 passed by the Improvement Trust, Kapurthala [for brevity 'the Trust'] cancelling the Change of Land Use [CLU] from residential to commercial. The writ petition was allowed on 31.01.2017 and order dated 29.12.2015 was quashed. The Trust was directed to allow the petitioner to raise construction as per notification dated 10.01.2011. The petitioner has filed the contempt petition pleading that she is not being allowed to raise construction.

Learned counsel for the petitioner states that construction cannot be carried out till No Objection Certificate (NOC)/CLU is

issued by the respondents.

Learned counsel for the respondents submits that resolution No.529, dated 19.05.2017 was passed and sent to the Government for approval. The government approved the resolution alongwith following conditions:-

- “1. That Director Town Planner may peruse this thing that this change of land use is correct on technical basis.*
- 2. As per demand of Office, allottee will remain bound to deposit dues (such as No Construction Fees, Enhancement or any other dues) without any legal objection.*
- 3. Rate which will be fixed by government to change land use, allottee will remain bound to deposit the same.*
- 4. That allottee will not use front towards 30 feet road commercially, due to which, nearly allottees may have to face difficulties. Allottee will not use backside for parking etc.*
- 5. That after change of land use, allottees will got zoning and maps sanctioned of these plots from government.”*

He further submits that after approval of resolution, communication was sent to the petitioner for deposit of non construction fee in respect of plot in question, the amount has not been deposited by the petitioner rather the same has been challenged by filing a writ petition.

In view of the fact that matter is under litigation and

conditions imposed for issuance of NOC/CLU is to be adjudicated,
no case is made out for wilful disobedience of order of this Court.

The contempt petition is dismissed.

Rule issued against the respondents stands discharged.

[AVNEESH JHINGAN]
JUDGE

October 22, 2019

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |