

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-10468-2019(O&M)
Date of Decision: 08.05.2019

Chandigarh Poultry Centre

--Petitioner

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Alok Kumar Jain, Advocate for the petitioner.

Mr. B.R. Mahajan, Advocate General, Haryana with
Mr. Vishal Garg, Addl. A.G., Haryana.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner firm intended to set up an integrated poultry processing plant on a piece of land situated in Village Jaspur Tehsil & District Panchkula.

Instant writ petition is directed against the decision taken by the District Level Clearance Committee (DLCC) in its proceedings held on 3.4.2019 under the chairmanship of the Deputy Commissioner, Panchkula at Annexure P-14 and in terms of which the clearance already granted in favour of the petitioner stands withdrawn with immediate effect.

Advance copy of the writ petition already stood served upon the respondent authorities.

Worthy Advocate General, Haryana has entered appearance and has assisted the Court.

Having heard counsel for the parties and having perused the pleadings on record, this Court is of the considered view that the validity of the impugned decision taken by the District Level Clearance Committee at Annexure P-14 need not be gone into on merits.

It has gone uncontroverted that prior to taking the impugned decision an e-mail had been sent to the petitioner and which was duly received. The contents of the e-mail were couched in the following terms:-

“The meeting of District Level Clearance Committee and District Level Grievance Committee are to be held on 3.4.2019 at 11.30 A.M under the Chairpersonship of Sh. Balkar Singh, IAS, Deputy Commissioner, Panchkula in his Conference Hall of Mini Secretariat, Sector 1, Panchkula. Please make it convenient to attend the meeting.”

Apart from the afore-noticed e-mail no other notice had been served upon the petitioner prior to taking the impugned decision.

Mr. B.R. Mahajan, learned Advocate General, Haryana would very fairly submit that the petitioner had not been associated with the decision making process which had culminated in the proceedings recorded on 3.4.2019 (Annexure P-14) and a show cause notice in conformity with the principles of natural justice had not been served.

A very fair stand has been taken on behalf of the State that it is open to reconsider the issue and after affording to the petitioner an effective and realistic opportunity of being heard.

In view of the above and without opining on the merits of the case as also the validity of the impugned decision of withdrawing the clearance that had already been granted by the District Level Clearance Committee in favour of the petitioner, the decision contained under Agenda Item No.4 of the Minutes of the 26th Meeting of the District Level Clearance Committee held on 3.4.2019 (Annexure P-14), is set aside.

Matter is remanded back to the District Level Clearance Committee for a decision afresh.

The respondent authorities would now be obligated to serve upon the petitioner within a period of one week from today a show cause notice along with all supporting documents/material spelling out the contemplated course of action. Upon receipt of such show cause notice petitioner would be afforded one week's time thereafter to submit a detailed reply as also to place before the Committee all the requisite documents in support of its stand.

The Committee, thereafter, would take a final decision in the matter within a period of two weeks after affording an opportunity of personal hearing to the petitioner and by passing a detailed speaking order.

Status quo at the site as it exists today shall be maintained till such time a fresh decision is taken pursuant to the directions contained in this order.

Writ petition is disposed of in the aforesaid terms.

It is clarified that this Court has not examined the case on merits.

(TEJINDER SINGH DHINDSA)
JUDGE

08.05.2019

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