

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

CWP No.14518 of 2019(O&M)

Date of Decision:-10.09.2019

Anil Kumar Kataria.

.....Petitioner.

Versus

Director General Town & Country Planning, Haryana & Anr.

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present:- Mr. R.K. Lamba, Advocate &
Mr. Vishal Satija, Advocate for the Petitioner.

JASWANT SINGH, J.

Petitioner- Anil Kumar Kataria has filed the instant writ petition, whereby he has sought a direction from this court to respondent no 1-Director General, Town and Country Planning, Haryana to cancel the CLU granted to respondent no 2-M/s Pivotal Infrastructure Pvt. Ltd.

Ld Counsel for the petitioner has vehemently argued that respondent no 1 has wrongly granted CLU to respondent no 2-M/s Pivotal Infrastructure Pvt. Ltd. on the basis of documents which were not even in existence, as the respondent on 2 became owner of the land in question after the sale deed/s were executed by petitioner and his co-sharer on 16.09.2013 in favor of respondent no 2, whereas the application with the relevant documents like Mutation, Site Plan etc were submitted on 15.09.2013. Thus,

it is submitted that the entire process whereby CLU has been granted to

respondent no 2 by respondent no 1 is alien to law and therefore liable to be set aside.

After having heard Learned Counsel for petitioner and having scrutinized the paper book, we are of the opinion that the instant writ petition is liable to be dismissing, being not maintainable.

Admittedly, petitioner and his co-sharer have executed sale deed/s in favor of respondent no 2 and therefore petitioner does not seem to be ‘prima-facie’ prejudiced by grant/non-grant of CLU to respondent no 1. However, even if it is taken that he has the locus and is aggrieved by grant of CLU, petitioner is well within his right to file an appeal under Section 10 of the Punjab Scheduled Road and Controlled Areas Restriction of Unregulated Development Act, 1963, whereby “any person aggrieved or affected by an order of the Director”has the remedy to agitate before the competent authority. Once there is an alternative remedy available to petitioner, he cannot agitate the matter before this court by invoking Article 226 of the Constitution.

In view of the above, instant writ petition is **dismissed** being not maintainable.

(JASWANT SINGH)
JUDGE

(LALIT BATRA)
JUDGE

September 10, 2019
Vinay

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