

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CWP-2930-2010 (O&M)
Date of Decision : 9.12 2019

M/s. Indian Spices Corporation

.....Petitioner

Versus

Union Territory of Chandigarh and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
: HON'BLE MR.JUSTICE LALIT BATRA

Present : Mr. N.S.Shekhawat, Advocate
for the petitioner.

Mr. Pankaj Jain, Sr. Standing Counsel with
Ms. Deepali Puri, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

1. This petition has been filed against the action of the Chandigarh Administration in holding the petitioner to be ineligible for allotment of a 500 Square yard of industrial plot for which it had applied in the year 1981.

2. Shorn off all unnecessary details, the admitted facts are that in the year 1981 the petitioner had applied for a plot against an advertisement issued by the UT Administration and had been found eligible at that time and he was asked to deposit 25% of price of plot. As per the respondent-UT Administration due to some reasons possession of the plot could not be given and thereafter, protracted litigation took place right up to the level of Supreme Court. In the Supreme Court, ultimately,

the petitioner had filed a Contempt Petition (civil) Nos. 606613 of 2004 and during the pendency of the contempt petition an affidavit dated 21.7.2006 was filed by the Director of Industries, UT Administration wherein it was categorically and unequivocally admitted that the petitioner was entitled for the allotment of a plot. It is, thereafter, that the impugned order was passed rejecting the claim of the petitioner on the ground that in the year 2003 (22 years after the applications were invited) he had inherited a 1/4th share in an industrial plot which was owned by his father.

3. Today, before us learned Senior counsel for the Chandigarh Administration is not in a position to deny that the ownership of an industrial plot by the father was not a disqualification in the year 1981. Resultantly, this reason is clearly extraneous and is in any case being applied retrospectively after 22 years. Today a period of 38 years have elapsed since the petitioner has been banging his head against the wall for getting the plot. We are informed and it is not denied by the learned counsel for the respondent that the petitioner has paid the entire price of the plot also more than 30 years ago.

4. In our considered opinion, it is not only a case eminently suitable for the issuance of writ of mandamus where a direction should be issued to allot a plot immediately to the petitioner rather a case where exemplary costs should be imposed upon the respondent-Administration for so obdurately refusing to honour to its affidavits and contractual obligations. However, we refrain from so doing and we deem it appropriate to impose a token costs of Rs. 1 lakh on the respondent-UT Administration to be paid to the petitioner. Respondents are directed to

allot 1 Kanal plot out of the following plots (which are admittedly not shown to be occupied) immediately to the petitioner and offer him the possession.

Sr. No.	Category	Vacant	Trees and other encroachments which can be removed	Major encroachments like electric transformer electric pole, telephone pole which cannot be removed	Total
Industrial Area Phase-1					
1.	1.5 Kanal	1	4	-	5
2.	1 Kanal	1	8	-	9
Industrial Area Phase-1					
3.	3 Kanal	-	1	-	1
4.	1.5 Kanal	3	18	1	22
5.	1 Kanal	18	1	1	20
6.	10 Marla	9	12	2	23
Total		32	44	4	80

5. This whole exercise as also the payment of costs be done within four weeks from the date of receipt of certified copy of this order.
6. The petition stands allowed.
7. Since the main case has been decided, the pending application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

(LALIT BATRA)
JUDGE

9.12.2019
anuradha

Whether speaking/reasoned

Whether reportable

-

Yes/No

-

Yes/No