

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
106

CM-8498-CWP-2020 in/and
CWP No. 10642 of 2020
Date of Decision: 8th September, 2020

Subash Chand

....Petitioner

VERSUS

Union of India and others

....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Mr. Amit Jain, Advocate for the Petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Vijay Kumar Chaudhary, Senior Counsel for Union of India
for the Respondents No. 1 and 2.

None for the Respondent No. 3.

Mr. Ankur Mittal, Additional Advocate General, Haryana
for the Respondent No. 4.

Dr. S. Muralidhar, J.

CM-8498-CWP-2020

1. For the reasons stated therein, the application is allowed.
2. With the consent of the learned counsel for the parties, the main writ petition (CWP-10642-2020) is taken up for hearing today itself.

CWP-10642-2020

3. In the present case, a reply has been filed by the Deputy Commissioner, Panchkula, noting that the Sub-Divisional Magistrate, Panchkula was instructed to give a detailed report after proper measurement on the proposed project of retail outlet from the crest of the outer periphery of the Terminal and Ballistics Research Laboratory (TBRL). The Sub Divisional Magistrate by a letter dated 30th July, 2020, reported that the proposed project site is 914 meters (999.563 sq. yards) away from the crest of the outer periphery of the

TBRL, Ramgarh. This in turn was based on the report dated 30th July, 2020 of the Tehsildar, Panchkula.

4. It must be noted here that as per the amended guidelines of the Ministry of Defence, there is a restriction on construction of buildings within a range of 1000 sq. yards of defence establishments.

5. The Deputy Commissioner sought a clarification from the TBRL, which by a letter dated 4th March, 2020 informed that “the assertion of reduction of limit from 1000 sq. yards to 100 meters by the Ministry of Defence is not applicable to TBRL”.

6. The net result is that the proposed project of a retail outlet being at a distance of 999.563 sq. yards, it appears to be just on the crest of the outer radius.

7. In the circumstances, subject to the Petitioner giving an undertaking to the Deputy Commissioner, Panchkula that he will strictly adhere to the 1000 sq. yards distance, and considering the fact that NOCs have been granted by all other agencies, the Deputy Commissioner will proceed to grant the necessary NOC, if required, within a period of 2 weeks from the date of the receipt of the affidavit of undertaking of the Petitioner.

8. The petition is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

8th September, 2020
jk

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No