

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP No. 1122 of 2021

Date of Decision: 18th January, 2021

Shunty Kumar

....Petitioner

VERSUS

State of Haryana and others

....Respondent

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. B.S. Chahal, Advocate for the petitioner.

AJAY TEWARI, J. (Oral)

This is a writ petition filed by the petitioner seeking direction in the nature of certiorari to the respondents for setting aside the impugned order dated 24.12.2020 (Annexure P-9) passed by the District Town Planner, Yamuna Nagar.

This petition challenges the action of the respondent in sealing the factory of the petitioner. The admitted facts are that the petitioner put up this factory without getting Change of Land Use (CLU). On an earlier occasion, the petitioner had undertaken that he would either get the 'CLU' or shift his factory on or before 24.12.2020 but he did not do so and that is why the impugned order was passed, whereas learned counsel for the petitioner states that the petitioner may be granted two months' breathing time and by the end of two months he would voluntarily shift his factory.

Notice of motion.

Mr. Vivek Saini, Additional, A.G., Haryana accepts notice on behalf of the respondents and has argued, and to our mind correctly, that once the petitioner himself had undertaken that he would do the needful within

three months, there is really no justification for granting him more time. However, since apart from the aspect of illegal construction, there is also matter of livelihood, we deem it appropriate to grant time to the petitioner up till 15.03.2021 to shift his factory. It is, therefore, directed that the impugned order shall remain in abeyance till 14.03.2021 and will come into operation from 15.03.2021.

This petition is disposed of in the above terms.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

18th January, 2021
jk

Whether speaking/reasoned Yes/No

Whether reportable Yes/No