

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

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CWP No.6865 of 2022(O&M)

Date of Decision: 02.04.2022

Neeraj Chaudhry

...Petitioner.

Versus

State of Haryana and others

....Respondents.

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE LALIT BATRA**

Present: Mr. Pavan Malik, Advocate for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

Amol Rattan Singh, J.(Oral)

By this petition, filed under the provisions of Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari, quashing the order dated 13.01.2022 (Annexure P-41) passed by respondent No.26 to a limited extent, whereby “it does not detail the scope of remand”. The petitioner has further prayed for a direction to respondent No.2 to decide the grounds raised by the petitioner before respondent No.26, including the ground of (alleged) forgeries and for recording a finding on the availability of a passage and blacklisting respondents No.4 to 6 and all their sister concerns, including but not limited to the list Annexure P-43; and that the licenses dated 01.03.2019, 27.11.2019, 11.09.2020, 08.09.2021 and licence No.9 of 2022 (Annexures P-45 to P-48 and P-55) be all cancelled. Still further, the petitioner has prayed that the order dated 13.01.2022 (Annexure P-41) may be ordered to be modified so as to include all the grounds raised by the petitioner before respondent No.26 and respondent No.2 by way of filing representations and applications, including additional grounds as have been summarized in the representation dated 23.03.2022 (Annexure P-42).

Learned counsel for the petitioner submits that while passing the impugned order dated 13.01.2022 (Annexure P-41), the appellate authority (Additional Chief Secretary to Government of Haryana, Town and Country Planning Department), has stated as follows:-

“Accordingly, the matter is remanded back to Director, Town & Country Planning, Haryana with a direction to afford an opportunity of personal hearing to the appellants and after taking into account the facts mentioned in the applications for taking additional grounds, pass a comprehensive speaking order, regarding cancellation or otherwise of the licence, within a period of month of this order. In addition to this, Director, Town & Country Planning, Haryana will also pass clear order regarding forged signatures of witnesses on LC-IV & bogus bank guarantee as all these allegations are of serious nature which go to the root of the matter and must be verified by the department. Additionally, respondent No.2 will not be allowed to collect any further amount of money from the Allottees. Copies of this order be placed on the files of connected matters.”

The grievance of the petitioner is that the remand order limits the decision to be taken by the Director, Town and Country Planning to the additional grounds taken by the petitioner (as regards cancellation/non-cancellation of one particular licence) and further, with regard to allegations of forged signatures of witnesses on a particular document and bank guarantee, whereas learned counsel submits that far more grounds have

been taken by him in his representations to the Director, Town and Country Planning, as were subject matter of the order under appeal before the appellate authority, which would also need to be adjudicated upon, issue-wise, by the Director.

Without making any comment whatsoever on the actual merits of what is contended by the petitioner in his representation, the petition is disposed of with a direction to respondent No.2 (Director, Town and Country Planning, Haryana), to decide the comprehensive representation made by the petitioner on 23.03.2022 (Annexure P-42), by specifically dealing with each issue as is raised therein, wholly on its own merits.

It is made clear that other than the aforesaid representation, no other representation on the same issues or any additional issues thereafter be entertained, otherwise it would be a never ending process.

(AMOL RATTAN SINGH)
JUDGE

(LALIT BATRA)
JUDGE

02.04.2022

D.Gulati

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No