

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

**204**

**CWP-17006-2015  
Date of Decision: 10.01.2023**

**M/S P K INDUSTRIES**

... Petitioner

**VERSUS**

**UNION OF INDIA AND ORS**

... Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

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Present: Mr. V.K. Sandhir, Advocate  
for the petitioner.

Ms. Anita Balyan, Advocate  
for the respondents No.1 and 2.

Mr. Vishnav Gandhi, DAG, Punjab.

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**VINOD S. BHARDWAJ, J. (ORAL)**

The present petition has been filed under Articles 226/227 of the Constitution of India, 1950 for issuance of a writ in the nature of Certiorari for quashing of order dated 01.10.2014 (Annexure P-15) whereby the respondent No.3-Divisional Forest Officer, Forest Division, Amritsar has communicated a demand of Rs.18,92,800/- to the petitioner for providing the passage to approach the godown of the petitioner situated on a link road between G.T. Road to Tarn Taran Road alongwith UBDC (MBL 10.1.10.2 L/s).

Learned counsel for the petitioner contends that the aforesaid amount has been demanded by the respondent-Forest Department on account of the area being sought to be converted for use to approach to the godown of the petitioner. He contends that the said area has substantially been used and a service lane has already been constructed. He has referred to the averment

contained in paragraph No.9 of the petitioner wherein an averment of existence of service lane has been raised. While responding to the said assertion, the Department of Forest has submitted by way of filing a separate response that the calculation of Rs.18,92,800/- was done at the rate of Rs.10,400/- per square yard qua the cost of diversion of 0.014 hectare of forest land for the road to approach to the godown in question. Additionally, a 30% enhancement cost was also included as per the State Government Policy. It has also been averred in the aforesaid response that the area in question has now been reduced from 0.035 acres to 0.025 acres and thus the applicable rate is Rs.13,52,000/-. The respondent-State has thus claimed that the petitioner is require to pay a sum of Rs.13,52,000/- as per the revised calculation instead of Rs.18,92,800/- as communicated vide impugned letter dated 01.10.2014, which is the subject matter of challenge in the present petition. Learned counsel for the petitioner contends that there have been subsequent developments after the filing of the said reply and that more area has now been converted by the respondent-State towards facilitating a service lane. Thus, the actual area required to be converted for facilitating approach to the godown of the petitioner has been reduced substantially. He contends that he may be granted liberty to approach the respondent-Authorities alongwith all relevant material to substantiate his submissions and that a fresh order may be passed by the respondent-Authorities in terms of the applicable State Policy after assessing the material placed by the petitioner and after re-appreciating the actual site status.

Learned counsel for the respondents No.1 and 2 has no objection to the aforesaid prayer being accepted.

Accordingly, the present petition is disposed of at this stage with liberty to the petitioner to approach the respondent-Authorities alongwith all

requisite evidence/material for seeking conversion of the land so as to approach the godown of the petitioner.

The competent authority shall thereafter pass a fresh order after taking into consideration all the facts and evidence adduced by the petitioner raise the demand from the petitioner in terms of the applicable policy of the State Government. The necessary decision may be taken expeditiously and preferably within a period of three months of the submission of the requisite documents/material by the petitioner after affording an effective opportunity of hearing to the respective parties.

The petition is accordingly disposed of.

**10.01.2023**  
*rajender*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No