

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21428-2018 (O&M)
Date of decision: 20.03.2023

Tisyaketu Educational Services Pvt. Ltd

.....Petitioner.

vs.

State of Haryana and others

.....Respondents.

**CORAM: - HON'BLE MR JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: - Mr. Aashish Chopra, Sr. Advocate with
Mr. Vineet Sehgal, Advocate and
Mr. Gagandeep Singh, Advocate,
for the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J.

CM-17968-CWP-2022

Application is allowed. Representation dated 28.09.2022 is taken on record as Annexure P-11 subject to all just exceptions.

Main case

Petitioner initially approached this Court impugning the order dated 19.12.2017 (Annexure P-5) as passed by the Director General, Town and Country Planning, Haryana, Chandigarh, whereby while granting permission for transfer of community site i.e. Nursery School situated in Sushant Lok-I, Gurugram, to the petitioner, a condition was imposed that the building shall be completed and put to use before 02.04.2018 otherwise the site will be liable to be taken over by the Government as per the provisions of Act/Rules which period has been extended upto 07.10.2019.

Learned senior counsel contends that the physical possession of the plot, in question, was handed over to the petitioner in February 2020. It is

thereafter that the process with regard to the preparation of the site plan, submissions thereof and approval etc., had been resorted to. Learned senior counsel further contends that there had been further developments also during the interregnum and now a detailed representation dated 28.09.2022 (Annexure P-11) stands submitted to the Director General, Town & Country Planning Department, Haryana, Chandigarh, who may consider the same and pass appropriate orders thereon within some specified time without being influenced by the earlier decision dated 19.12.2017 (Annexure P-5).

Submission as has been made by the learned senior counsel for the petitioner appears to be reasonable in the light of the factual position with regard to the physical possession having been handed over to the petitioner in February 2020, we therefore, dispose of the present writ petition by directing the Director Town and Country Planning Department, Haryana, Chandigarh-respondent No. 2, to consider the representation of the petitioner dated 28.09.2022 (Annexure P-11) within a period of eight weeks without being influenced by its earlier decision dated 19.12.2017.

If required, opportunity of hearing be also granted to the petitioner. Decision, so taken, be conveyed to the petitioner forthwith.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANJIV BERRY)
JUDGE

20.03.2023
preeti

whether speaking/non speaking
whether reportable/non reportable

yes/no
yes/no