

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

CWP-16977-2023

Date of decision: 22.09.2023

Kuldeep Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sandeep Kumar Yadav, Advocate, for the petitioners.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Mr. M.S. Batth, Advocate, for respondents No.4 and 5.

RAJESH BHARDWAJ, J.

Petitioners have approached this Court for setting aside the impugned letter No.CTP(LG)-2023/1919 dated 19.07.2023 (Annexure P-16) vide representation for decreasing the rates of change of land utilization of the properties falling in Guru Hargobind Nagar, Phagwara, District Kapurthala, has been rejected illegally and unlawfully and rates of 2006 cannot be made applicable to the petitioners in the year 2023. Further prayer has been made to fix the rates of change of land utilization of commercial properties falling at aforesaid place.

Learned counsel for the petitioners has submitted that the petitioners are the owners of the properties within single side road of plot No.718 to 746 situated at Guru Hargobind Nagar, Phagwara, District Kapurthala. It is submitted that an amount of Rs.1,79,284/- as house tax and Rs.8,964/- as fire cess per annum was levied by the Municipal Corporation, Phagwara on the properties of the petitioners. He submits that on 19.12.2013, the petitioners applied in the office of Municipal Corporation, Phagwara for

issuance of No Objection Certificate regarding construction made by them on their properties. It is submitted that No Objection Certificate regarding commercial constructions was issued with the condition that in case the resolution sent is approved by the Government then the petitioners would be bound to deposit the change of utilization fee. He submits that as per notification dated 06.10.2017 (Annexure P-18), Municipal areas of Amritsar, Patiala, Khanna, Rajpura, Mandi Gobindgarh, Sirhind, Phagwara and Municipal towns within 7 Kms radius fall in potential zones, similarly other cities are also categorized by the State for various zones. He submits that as per letter dated 14.07.2020 of the Additional Chief Secretary Local Government, revision of the land used conversion charges had been refused and according to the same, rates applicable for the Municipal Corporation, Patiala are @ Rs.1,950/- per square yards whereas that of Municipal Corporation, Ferozepur are @ Rs.3,900/- per square yards. He submits that admittedly, city Phagwara is not at par with the prime city like Patiala and Ferozepur, but despite that the rate applicable to the Phagwara city is too exorbitant which are being charged from the petitioners. He has submitted that the petitioners have filed representation praying for reducing the rate keeping in view the above mentioned facts, however, vide impugned order dated 19.07.2023, the same has been declined by the Senior Town Planner. He submits that the impugned order is unsustainable in the eyes of law, thus, deserves to be set aside.

Learned counsel for respondents No.4 and 5 has opposed the submissions made by the counsel for the petitioners. He has submitted that the impugned order is a letter from the Senior Town Planner to the Commissioner, Municipal Corporation, Phagwara. It is submitted that on the representation received, the same was considered by the Municipal Corporation in view of the

decision taken by the Government. It is submitted that the representation had been declined for the reason that as per the decision taken by the Government, request made by the petitioners was not acceptable and hence, answering respondents declined the same. He submits that if the petitioners are aggrieved, then the necessary notification issued by the Government regarding rate should have been challenged, which has not been challenged by the petitioners and thus, the present petition is not maintainable. It is submitted that the impugned order suffers from no illegality and thus, deserves to be dismissed.

After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioners filed a representation praying for reduction of rate for change of land utilization on the ground that the rates for other cities are on lower side, whereas, for the city Phagwara rate is on higher side. However, the representation filed was declined in view of the notification of the Government and thus, the same was found to have been covered under the notification. It is apparent that the petitioners have not challenged that relevant notification issued by the State according to which the rates are being charged in various cities. Hence, the petition is not maintainable for the redressal of grievances as prayed for. Thus, the present petition is disposed of with liberty to the petitioners to avail their remedy by challenging the relevant notification, if so advised in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

22.09.2023
sharmila

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No