



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

CWP-4476-2021

Date of decision: 03.09.2024

Nisha Rani

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Sandeep Punchhi, Advocate,
for the petitioner.

Mr. Ankur Mittal, Additional Advocate General, Haryana,
Mr. Karan Jindal, Assistant Advocate General, Haryana.
Ms. Kushaldeep Kaur, Advocate,

ARUN PALLI, J. (Oral)

A Certiorari is prayed for, to quash the order dated 09.12.2020 (P-7), passed by the District Town Planner, Sirsa (respondent No.3), exercising the powers of Director General, Town and Country Planning, Haryana, vide which, request of the petitioner to grant permission/No Objection Certificate to sell her land holding to one Sharanjit Kaur has since been declined.

Learned counsel for the petitioner submits that the land measuring 7 kanal 16 marla, comprised in specific khasra numbers, situated in the revenue estate of village Vaidwala, District Sirsa, was owned by Amarjit Kaur and Krishna Rani. Further, he submits that, of the said land, 2 kanal, 0 marla, 1 sarsai was purchased by the petitioner, vide a registered sale deed dated 12.08.2013, after obtaining necessary permissions/approvals/NOC from the competent authority. However, it is urged that vide impugned order, as indicated above, request of the



petitioner to grant NOC to alienate the subject land has been rejected, for it forms part of an unauthorized colony.

The records show that the petition is pending, post notice, since 25.02.2021, and a written statement has also been filed.

We had heard learned counsel for the parties at length, when during the course of hearing, they have reached a consensus: since the impugned order is passed by the District Town Planner, in exercise of the powers of Director General, Town and Country Planning, Haryana, the same is appealable under Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975. Therefore, it is agreed that in the given circumstances and for conclusive determination of the *lis* between the parties, it would be expedient if the petitioner is relegated to avail the remedy of appeal, in the first instance. However, it is pointed out that per Section 19 of the Act, the appeal, under the said provision, is required to be filed within a period of 30 days from the communication of the impugned order. But, the Appellate Authority may entertain the same even after the expiry of the stipulated period, if the appellant is able to satisfy that he/she was prevented by a sufficient cause from instituting the appeal in time.

Accordingly, learned State counsel submits, for the petitioner has been diligently pursuing her cause against the impugned order, and, as indicated earlier, the petition at hand has been pending for over three years, she would be at liberty to seek benefit of Section 14 of the Limitation Act, 1963, by filing an appropriate application seeking condonation of delay, if any.

That being so, learned counsel for the petitioner submits that the petitioner shall file the appeal, along with an application seeking condonation of delay, within two weeks from today.

To which, learned State counsel fairly submits that in the event, any such appeal, along with an appropriate application for condonation of delay, is filed, the Appellate Authority shall take cognizance thereof and proceed therewith, in accordance with law.



In the wake of the position sketched out above and in terms of the statements made by learned counsel for the parties, the petition is, accordingly, disposed of.

This Court is sanguine that the Authority shall look into the matter in the right earnest. And the appropriate orders shall be passed at the earliest, assigning reasons in support thereof.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

03.09.2024
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No