

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8863-2024(O&M)
Date of decision: 23.04.2024

Go Greenn Nursery
... Petitioner
Versus
State of Haryana and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Rajwant Singh Chahal, Advocate,
for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana, and
Mr. Karan Jindal, Advocate, for the respondent-State.
Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur, Advocate, for the respondent(s)-HSVP.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

“Civil Writ Petition Under Article 226/227 of the Constitution of India for issuance of a writ of Mandamus or any other appropriate writ, order or direction as this Hon'ble Court deem fit directing the respondents to expedite, finalize and grant approval to the draft policy/Guidelines issued vide Memo No. A-7-2021/UB/Dt Nil (Annexure P/17) circulated through Notice dt 22.11.2021 (P/16) for leasing out HSVP land falling under green belts/open/vacant spaces for the Nurseries which is already recommended by the Committee constituted for this purpose on 23.11.2021 & 16.12.2021 (P/18 & P/19) and suggested by local authorities vide its Letters Dt 16.07.2021, 22.07.2021, 16.08.2021 (P/7, P/8, P/9 & P/11) which not only generate additional revenue to state, beautification and improving the green cover but also improves the declining Air Quality Index of

capital of our country resulting in hygienic, clean, decent and healthy living environment of the state.”

Learned counsel for the petitioner submits that the petitioner (Go Green Nursery) was earlier situated at the dividing road of Sectors 80-81, Faridabad, which has now shifted its base, and is being operated under the name of “Plants Lover Nursery”. It is submitted that the petitioner along with ten other nurseries, had approached this Court vide CWP-13861-2022, for their infrastructure was sought to be demolished during the demolition drive carried out by HUDA officials. And the demolition process was completed on 10.04.2024. Resultantly, the petitioner shifted its nursery to another place. He submits that the limited prayer that the petitioner has is: the respondents may consider granting approval to the policy/guidelines, issued for leasing out HSVP land under green belts/open/vacant spaces for nurseries. In this regard, he refers to the recommendations made by the Committee constituted for this purpose on 23.11.2021 (P-18) & 16.12.2021 (P-19).

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana is present in Court on behalf of the respondents. Although, he vehemently contradicts the claim of the petitioner and submits that the relief claimed for in the petition cannot be countenanced. But, be that as it may, the petitioner, if so advised, may move the competent authority in this regard. And, if any such representation is received within a week from today, the same shall be taken cognizance of and dealt with in accordance with law. He submits that before any such orders are passed, the petitioner shall be heard, for which a formal

communication will be issued well in advance. He further submits that the petitioner shall also be at liberty to furnish any fresh material to support/substantiate its claim.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents. And submits, let this petition be disposed of in terms of his statement. However, he submits that as the matter is pending for a considerable time, the competent authority be directed to take a decision within a specified time.

To which, learned counsel for the respondents submits that the necessary orders, after affording an opportunity of hearing to the petitioner, shall be passed within a period of eight weeks from today.

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

This Court is sanguine that the competent authority shall consider the matter in the right earnest, and pass the necessary orders.

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 above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(Arun Palli)
Judge

23.04.2024
Rajan

(Vikram Aggarwal)
Judge