

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11496-2024

Date of decision: 17.05.2024

M/s Milap Foundry and Engineering works AmritsarPetitioner

Versus

The State of Punjab and anotherRespondents

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

Present: Ms. Rupinder K. Thind, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner (M/s Milap Foundry and Engineering works Amritsar), has prayed for the following substantive relief:

“Civil Writ Petition under Article 226/227 of the Constitution of India for issuance of writ in the nature of Certiorari for quashing of the demand notices dated 15/09/2017, 18/04/2019, 29/05/2020, 24/11/2012, 16/10/2023 issued by respondent No.2 (annexure P-9, P-10, P-11, P-13, P-14) respectively, asking for development and exemption charges from the petition for issuance of No Objection Certificate with respect to his property granted exemption vide notification dated 15/12/2016 (Annexure P-8) and for issuance of writ in the nature of mandamus for directing the respondent No.2 to issue No Objection Certificate to the petitioner qua the property which is the subject matter of this writ petition.”

The case set out in the petition is that the petitioner had constructed a factory in khasra Nos.1167 and 1168, village Sultanwind

Sub-urban, Amritsar. It is not in dispute that the said khasra numbers were part of the land that was acquired by the Trust for 340 Acres Development Scheme (Bhai Gurdasji Nagar), pursuant to the notification dated 23.12.1994, issued under Section 36 of the Punjab Town Improvement Act, 1922. However, certain landowners had approached the authorities seeking exemption of their buildings, situated on the G.T. Road, which was granted vide resolution No.210, sanctioned by the Government on 17.01.1996. Whereas, for rest of the area, the award was announced on 16.01.1998. Subsequently, the exemption was reconsidered by the Trust, vide resolution dated 30.03.2000 and the proposal, in this regard, was confirmed on 20.12.2000. However, the said resolution and proposal was assailed in CWPs-13343 and 2077-2001, which were allowed by this Court, vide order and judgment dated 25.02.2002 (P-3) and the impugned orders were quashed on the ground that prior sanction from the Government was not sought. For the petitioner was not granted exemption and no objection certificate, it approached this Court vide CWP-24394-2013, which was disposed of on 08.11.2013 (P-6), requiring the respondent-Trust to consider its claim/representation. Accordingly, the Trust passed a resolution No.166, dated 12.02.2014 (P-7), which was sanctioned by the Government, vide notification dated 15.12.2016 (P-8), granting exemption to the properties, subject to certain conditions, which apparently included deposit of exemption, development and other charges. Thus, *prima facie*, it appears that the impugned demand notices have been issued, pursuant to the exemption granted by the Government on 15.12.2016 (*ibid*). The notices that are being assailed before this Court are identical in nature and the last such notice the petitioner was served with, is dated 16.10.2023 (P-14), vide which the petitioner was asked to deposit Rs.76,36,575/- towards exemption charges. And it was specifically observed that the last chance was being afforded to the petitioner to remit the said amount, failing which, the property would be sealed.

Upon being pointedly asked, learned counsel for the petitioner expresses her inability to clarify, if, post notice dated 16.10.2023, the respondent-Trust has initiated any further proceedings or the property in question has been sealed or not. However, vide representation dated 26.12.2023 (P-12), submitted by the petitioner to the

Improvement Trust, it is sought to be alleged that since there was no sewerage and water supply in the area, the impugned demand is misconceived.

Having argued at some length, learned counsel for the petitioner, at this stage, submits that she be permitted to withdraw the petition to enable the petitioner to pursue the matter with the respondent authorities. And also the legal notice dated 01.04.2024 (P-15), which is alleged to be pending consideration.

As prayed for, dismissed as withdrawn.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

17.05.2024
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No