



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-15571-2020 (O&M)

Date of decision: 31.07.2024

Haryana State Industrial and Infrastructure Development Corporation Ltd.

...Petitioner

VERSUS

Santosh Kumari and another

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. P. S. Saini, Advocate for the petitioner.

Ms. Roja Agnihotri, Advocate for respondent No.1.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present writ petition is to the order dated 02.09.2019 passed by the Permanent Lok Adalat (Public Utility Services), Rohtak.

2. Learned counsel appearing on behalf of the petitioner contends that respondent No.1-applicant had applied for allotment of a plot in response to advertisement issued by the petitioner and an industrial Plot No.51 measuring 1012.5 sq. meter at Sector 30-B, I.M.T., Rohtak was allotted to the petitioner in the month of January-2018. An application was filed by respondent No.1-applicant under Section 22-C of the Legal Services Authorities Act, 1987 before Permanent Lok Adalat (Public Utility Services) seeking change of plot on the ground that the said plot was not suitable to her as per *Vastu* governing her name. The ground as raised in the



application for seeking change of plot is extracted as under:-

“3. That the complainant is entitled to change the plot number as the option was given by the respondents to the persons who have applied in the month of January 2018. The plot no.51 which has been allotted to the complainant is not suitable to her as per Waastu/as per the name of the complainant.”

3. Learned counsel for the petitioner contends that Permanent Lok Adalat (Public Utility Services), Rohtak has failed to take into consideration that the change of plot is governed by the appropriate policy decision/instructions issued by the petitioner-Corporation and is not governed by the whims and fancies/preferences of an individual. The non-suitability of a plot on the basis of *Vastu* is not amongst the reasons on which mandate should be issued for directing change of the plot number.

4. Since there was no representation on behalf of respondent No.1 despite service, hence, Ms. Roja Agnihotri, Advocate was appointed as Legal Aid Counsel to assist this Court and to defend the interest of respondent No.1. She contends that prayer was made by respondent No.1-applicant for seeking change of plot being not suitable to her as per her *Vastu* but she also cited certain instances, including one, where the plot had been changed by the petitioner-Corporation in favor of Parveen Jain and further that there are vacant plots. No impediment would be thus caused in further change of the plot. There is thus no illegality or perversity in the order passed by the Permanent Lok Adalat (Public Utility Services).



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5. Controverting the same, learned counsel for the petitioner contends that a specific response has been filed by the petitioner-Corporation pointing out that circumstances for change of plot in favour of Parveen Jain as referred to was on the grounds within the parameters of the policy and not on account of suitability of *Vastu* as any such encouragement of superstitions entertained by a person would give rise to an unending process. Once there is no legitimate sanctity in such superstitions, the same cannot be validated by the Permanent Lok Adalat (Public Utility Services) by directing a change of plot by relying on such reason.

6. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

7. On going through the same, I find that the only ground for seeking a change of the plot is that the same is not suitable to the petitioner as per name and *Vastu* requirements. I find force in the argument advanced by the learned counsel for the respondent that the change of a plot once allotted can be undertaken as per the policy and for the reasons set out thereunder. In the absence of any such grounds, on the basis whereof a change can be claimed by an allottee as a matter of right, such directions could not have been issued by Permanent Lok Adalat (Public Utility Services) as exercise of any such directions would give rise to numerous causes being cited for non-suitability, which is subjective to every individual and give rise to frivolous requests and representations, on grounds which cannot be tested on objectivity and reasonableness. The Permanent Lok Adalat (Public Utility Services) failed to take into consideration the level of



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duty owned by the Corporation towards an allottee and as to whether there was any defect or default in such service offered.

8. The beliefs/superstitions of an individual do not create an obligation on the petitioner-Corporation to satisfy the same and to adjust to such beliefs. Further, it is also not the case of respondent No.1-applicant that the plot allotted in favour of Praveen Jain was changed under the similar circumstances and that the claim of respondent No.1-applicant is squarely covered. Once the circumstances for change are different, merely because there are vacant plots cannot be a ground to claim a change of the plot as a matter of right.

9. The Permanent Lok Adalat (Public Utility Services) failed to consider the applicable Policy and the conditions governing change of plot. It is not even the case of the respondent-applicant that the change is covered under any of the Clauses of the Policy. The Permanent Lok Adalat (Public Utility Services) thus completely ignored the applicable provisions and directed the change for invalid reasons. The same cannot be accepted as a valid and admissible legal parameter for adjudicating a claim.

10. Under the given circumstances, the present writ petition is **allowed** and order dated 02.09.2019 passed by the Permanent Lok Adalat (Public Utility Services), Rohtak is **set aside**.

(VINOD S. BHARDWAJ)
JUDGE

31.07.2024
Mangal Singh

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