

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CWP No.17923 of 2024  
Date of decision: 30.09.2024

Society for Development of Human Resources ....Petitioner

V/s

Department of Town and Country Planning and others ....Respondents

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

Present: Mr. Rakesh Nehra, Senior Advocate with  
Mr. Raman Chahar, Advocate,  
Mr. Pankaj Kumar, Advocate, and  
Mr. Shubhendu Saxena, Advocate, for the petitioner.  
  
Mr. Ankur Mittal, Addl. Advocate General, Haryana with  
Ms. Kushaldeep Kaur, Advocate, for respondents No.1 to 4.  
  
Mr. Manoj Chouhan, Advocate,  
Mr. Sujay Chhikara, Advocate, for respondent No.5.

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**VIKRAM AGGARWAL, J.**

1. The petitioner (Society for Development of Human Resources) is running an educational institution ‘Delhi Technical Campus’ at Naya Gaon, Bahadurgarh, District Jhajjar. It assails the order dated 28.06.2024 (Annexure P-26) passed by respondent No.3, vide which the application submitted for grant of occupation certificate for an Engineering College and MBA College was rejected.
2. Concededly, there is a dispute between Sh. Parvesh Kumar through whom the present writ petition has been preferred and respondent No.5 Mr. Narinder Singh Chikkara, both of whom claim to be the President

pending. Initially, vide order dated 03.03.2023 (Annexure P-20), a direction had been issued by the Director General, Town and Country Planning, Haryana to process the matter regarding grant of occupation certificate, noting that the college is already functional at site and that the office had also conveyed observations vide memo dated 17.02.2023 for removal of deficiencies.

3. This order was challenged by respondent No.5 in appeal and vide order dated 05.03.2024 (Annexure P-21) the appeal was dismissed, though it was erroneously noticed that 'OC' had been granted, whereas only the application for 'OC' had been ordered to be processed.

4. Vide communication dated 01.04.2024 (Annexure P-22), the petitioner-society was called upon to submit documents in support of the application moved for grant of occupation certificate.

5. Ultimately, the application for grant of occupation certificate was rejected vide order dated 28.06.2024 (Annexure P-26) on two grounds, the first ground being the inability of the official-respondents to adjudicate as to which was the management actually incharge of the society, holding that the said issue was beyond its jurisdiction and secondly that the application for grant of occupation certificate had multiple deficiencies which had not been rectified despite the deficiencies having been conveyed vide communication dated 01.04.2024.

6. On 05.09.2024, this Court had passed the following order:-

***“Having argued the matter at length, learned Senior counsel for the petitioner prays for a short accommodation to ascertain, as to whether, the petitioner has obtained the documents, as indicated in the communication dated 01.04.2024 (P-22), issued by the Directorate of Town &***

***Country Planning, Haryana, that are necessary to obtain the No Objection Certificate.***

***As prayed, adjourned to 30.09.2024.”***

7. Today, during the course of arguments, the parties have arrived at a consensus. Learned Additional Advocate General, Haryana submits that *de hors* the impugned order (Annexure P-26) and without going into the issue as to which the real management is, considering the fact that the occupation certificate has to be granted to the institution, the issue of grant of occupation certificate shall be decided afresh by the Director General, Town and Country Planning, Government of Haryana (respondent No.3). He further submits that before deciding the said issue, both sides shall dully be heard and only the issue as regards the grant of occupation certificate shall be decided. It has also been brought to the notice of the Court that the premises has now been sealed by the respondents and keeping in view the same, the decision as regards the grant of occupation certificate, after affording an opportunity of hearing to both sides, shall be decided, within a period of four weeks from today.

8. Learned counsel for the parties are *ad idem* that the writ petition be disposed of in the above terms.

9. Ordered accordingly.

10. This Court is sanguine that the official-respondents shall decide the matter purely on merit and in accordance with law after affording due opportunity of hearing to both the sides, within the time frame as has been stated by learned Additional Advocate General, Haryana, assigning reasons in support thereof.

expression of opinion on the merits of the case of either party, for, as indicated above, the authority concerned shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)  
JUDGE

(VIKRAM AGGARWAL)  
JUDGE

September 30, 2024  
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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |