



CWP-18979-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-18979-2024Date of decision: 21.08.2024

Shriji Realty (India) Pvt. Ltd.

....Petitioner

Versus

State of Haryana and another

....Respondents

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

Present: Mr. Aashish Chopra, Senior Advocate, with
Mr. Gagandeep Singh, Advocate,
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:

*“Civil Writ Petition under Article 226 of the
Constitution of India:*

*for issuance of a writ in the nature of
MANDAMUS directing the State Level Committee constituted
by the Government of Haryana, chaired by Respondent No.1, to
decide the case of the petitioner in respect of release of land
admeasuring 2.32 acres situated in Village Lakkarpur,
Faridabad, as detailed in the petition, from the Natural
Conservation Zone in a time bound manner, which has
otherwise been pending for long for acceptance of the
recommendations of the District Level Sub Committee at
Faridabad;*

AND

*for issuance of a writ in the nature of
CERTIORARI by calling for the records and quashing order
dated 02.07.2024, Annexure P/23, passed by the Additional
Chief Secretary to Government of Haryana, Town and Country
Planning Department, pursuant to the appeal filed by the
petitioner under Section 19 of the Haryana Development and
Regulation of Urban Areas Act, 1975, against order dated
24.01.2024, Annexure P/19, passed by the Director Town and*



Country Planning, Haryana i.e. respondent No.2, the said order being illegal erroneous, arbitrary and opposed to the principles of natural justice and fair play.”

Learned Senior counsel for the petitioner submits that petitioner happens to be the owner of land measuring 2.32 acres, comprised in specific khasra numbers, situated in village Lakkarpur, District Faridabad. Further, he submits that to set up a commercial colony over an area measuring 0.65312 acre, out of the abovesaid land, it was issued a letter of intent dated 15.11.2021 (P-10), subject to fulfillment of certain conditions/pre-requisites within a period of 60 days, including condition No. 10, ***“you shall abide by the final outcome of the decision taken on the issue of NCZ as per the recommendation of State Level Committee regarding exclusion of site from NCZ pocket”***. He asserts that per the report furnished by the District Level Sub Committee (P-8), the land owned by the petitioner does not fall within the Natural Conservation Zone. However, owing to non-compliance of few conditions, mainly condition No.10 (*ibid*), vide order dated 24.01.2024 (P-19), the Director, Town and Country Planning, Haryana, had refused the petitioner’s request for grant of licence, as also forfeited the amount deposited on account of scrutiny fees. Aggrieved, the petitioner preferred an appeal under Section 19 of the Haryana Development and Regulation of Urban Areas Act, 1975, which too was dismissed, vide order dated 02.07.2024 (P-23). Thus, it is submitted that the limited grievance that the petitioner has is: despite the report submitted by the DLSC (P-8), the State Level Committee is not taking a final decision as regards the land of the petitioner, because of which, its request for grant of licence is not being accepted. It is urged that several others, who were similarly circumstanced as the petitioner, had approached this Court vide **CWP No. 30012 of 2022 (SVC and Lahari through its Partner Srinivasa Rao Chintapatla vs. State of Haryana and others)** and **CWP No.2778 of 2023 (SVC & Lahari, Hyderabad vs. State of Haryana and others)**. And the said petitions were disposed of by this Court with a direction to the State Level Committee to take a final decision on the recommendations of the District Level Sub Committee, within a specified time. Thus, this petition.

Served with the advance copy of the petition, Mr. Ankur Mittal, learned Additional Advocate General, Haryana, is present in Court. At the outset, he, on instructions, submits that since the competent authority is already in seisin of the concerns/grievances of the petitioner, as set out in the petition, it would be expedient if the petition is disposed of, at this stage, to enable the State Level Committee to consider and decide the same, in accordance with law.

Learned Senior counsel for petitioner is agreeable to the course suggested by the learned State counsel and submits that let this petition be disposed of, in terms of the statement made by him. However, he submits, for the matter has been pending consideration of the State Level Committee, and with each passing day, interest of the petitioner is severely impaired, the authorities be directed to decide the same within a specified time.

To this, learned State counsel submits that appropriate orders shall be passed within two months from today. And before any such orders are passed, the petitioner shall also be heard, for which, a formal communication shall be issued, well in advance.

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

This Court is sanguine that the authorities shall consider/examine the matter in the right earnest, and pass appropriate orders, within the time indicated by learned State counsel, assigning reasons in support thereof.

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

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.08.2024
Ak Sharma

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