

2024-PHHC-122070-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(115)

CWP-21737-2024

Decided on : 16.09.2024

Sushila Dahiya

.....Petitioner(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA  
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Mr.V.S.Punia, Advocate  
Mr.Amit Siwach, Advocate, for the petitioner (s).

Mr.Ankur Mittal, Addl.A.G., Haryana  
Mr. Saurabh Mago, DAG, Haryana.

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**G.S. Sandhawalia, J.(Oral)**

1. Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India is to the order dated 22.07.2024 (Annexure P-19) which was directed against the order dated 21.07.2023 (Annexure P-16) passed by the Director, Town & Country Planning, Haryana, regarding the issue of Change of Land Use and for permission to setting up of warehouse.

2. On 02.09.2024, the following order was passed:

“Inter alia contends that the appeal had been dismissed on 22.07.2024 (Annexure P-19) on the ground that the area norm of 2 acres has not been fulfilled for grant of CLU for setting up a warehouse. It is submitted that on an earlier occasion, petitioner had approached this court on account of non-decision of his case and thereafter, during the pendency of the said writ petition, order dated 21.07.2023 (Annexure P-16) was passed and the Co-ordinate Bench had relegated the petitioner to the remedy to approach the Appellate Authority in CWP-15950-2022 on 07.03.2024 (Annexure P-17) with the observation that lawful speaking decision shall be made.

It is further submitted that the issue which was raised in appeal (Annexure P-18) is that the Final Development Plan 2025 AD Rohtak which was operative at the time of institution of the application for the grant of CLU had to be considered instead of Final Development Plan 2031 AD Rohtak. It is, thus, the contention of the counsel that though

the petitioner has with her 6.78 acres of land but on account of her case being considered under the subsequent development plan of 2031, the land is being considered for road widening and green-belt and thus, the claim of 2 acres has not been fulfilled.

Mr.Saurabh Mago, DAG, Haryana, accordingly, shall seek instructions re: decision again on the appeal keeping in view the grounds which had been raised before the Appellate Authority but not addressed by the next date of hearing, i.e. 16.09.2024.”

3. Mr.Mittal submits that the appeal will be re-decided in terms of the contentions raised on an earlier date.
4. Keeping in view the above, we dispose of the present writ petition, by setting aside the order dated 22.07.2024 (Annexure P-19), directing the Appellate Authority to re-decide the matter afresh, within a period of 6 weeks from the receipt of certified copy of this order.

(G.S. SANDHAWALIA)  
JUDGE

(MEENAKSHI I. MEHTA)  
JUDGE

16.09.2024  
Sailesh

Whether speaking/reasoned : Yes  
Whether Reportable : No