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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-33790-2024 (O&M)
Date of decision: May 15, 2025

Sneh Yadav

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Jai Singh Yadav, Advocate for the petitioner.

Mr. Ankur Mittal, Additional AG Haryana with
Mr. Gaurav Bansal, DAG Haryana.

SUDHIR SINGH, J.

The petitioner has sought issuance of a writ in the nature of Certiorari quashing the impugned order dated 26.11.2024 (Annexure P-10) and the order dated 08.03.2021 (Annexure P-9) vide which the Mushroom Farm being run by the petitioner has been ordered to be removed. The petitioner has further sought quashing of the order dated 16.06.2023 (Annexure P-15) and the order dated 15.02.2024 (Annexure P-16) vide which her application for exemption from No Objection

Certificate/Change of Land Use for setting up Mushroom Farming Unit has been declined.

2. Learned counsel for the petitioner submits that the petitioner has been running a Mushroom Farm from her land. He submits that on the request of one similarly placed person, namely Daya Kishan, the Directorate of Town and Country Planning, Haryana, vide letter dated 04.10.2018 (Annexure P-11), had intimated him that no permission for change of land use was required for setting up of Mushroom Farming. Learned counsel submits that the said benefit has been denied to the petitioner. A specific reference has been made by the learned counsel for the petitioner to the following extract of the aforesaid letter:-

“Your request for grant of change of land use for setting up of industrial unit (Mushroom Farming) over an area measuring 5564.38 Sqm falling in Khasra no 33/21/2/2 & 36/1 of village Nangal Brahman, Tehsil and District Palwal has been examined vis-à-vis policy dated 14.06.2018 and it has been decided that no permission for change of land use is required in your project. Therefore, I have been directed to inform that you may go ahead to implement the proposed project.”

3. When the matter came up for hearing before this Court, the following order was passed on 07.04.2025:-

“Learned counsel for the petitioner has stated that the petitioner is involved into a mushroom farming and for the said purpose, he is exempted under Section 6 (1) of the Haryana Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963. Objection was raised on behalf of the respondents that petitioner is taking garb of the mushroom farming and in

fact the petitioner is running Ready Mix Concrete (RMC) plant, which is not permissible under the law.

Considering the same, the Local Tehsildar is directed to inspect the site in the presence of the petitioner and submit a report within a period of two weeks regarding the present status of the site in question.

Adjourned to 28.04.2025.”

4. Pursuant to and in compliance of the said order, an inspection report dated 09.05.2025 submitted by the Naib Tehsildar, Dharuhera, District Rewari, has been tendered in the Court today by the learned State counsel, is taken on record. As per the said report, a structure of office block, supervisor room, labour quarters, toilets, dharm kanta, meter room, 12 panel of mushroom farming were found in existence, but no activities or machineries of running Ready Mix Concrete (RMC) plant were found. The relevant extract from the said report reads as under:-

“In compliance of interim order dated 28.04.2025 in the present case I, Neha Yadav, Naib Tehsildar Dharuhera, District Rewari after giving prior intimation to the petitioner telephonically visited the spot i.e. Rect. No.56, Killa No.23 and 24, Rect. No.63, Killa No.3, 4 and 7 situated within the revenue estate of Village Alamgirpur, Sub-Tehsil Dharuhera, District Rewari. Halqua Patwari alongwith Sajra Aks and revenue record pertaining to the property under inspection was also present and the property was identified with the help of sajra aks and field book. The property comprised in Rect. No.56, Killa No.23 and 24, Rect. No.63, Killa No.3, 4 and 7 situated within the revenue estate of Village Alamgirpur, Sub-Tehsil Dharuhera, District Rewari was inspected and it was

found that there exists a structure of office block, supervisor room, labour quarters, toilets, dharma kanta, meter room, 12 panel of mushroom farming and no activities or machineries of running RMC plant were found on the spot.”

5. On the other hand, Mr. Ankur Mittal, Additional AG Haryana appearing for the respondent – State has vehemently argued that the petitioner has raised a *pucca* construction over the land in question under the garb of Mushroom Farming. It is further argued that though in the inspection report, it has been reported that no RMC plant or machineries were existing, yet the fact remains that the same seem to have been removed by the petitioner during pendency of the present petition and specially pursuant to the order dated 07.04.2025 passed by this Court.

6. We have heard learned counsel for the parties and have also gone through the paper-book of the case.

7. In our opinion, short question that arises for consideration of this Court is whether the petitioner can be allowed to run the industrial unit in respect of the Mushroom Farming from the land in question.

8. A perusal of the communication dated 04.10.2018 (Annexure P-11) makes it clear that the Directorate of Town and Country Planning, Haryana had communicated to one Daya Kishan that for running the industrial unit/ mushroom farming, no permission was required in terms of the policy dated 14.06.2018 of the State Government. The said fact could not be controverted by the learned State counsel. Thus, we find that before setting up of industrial unit

(Mushroom Farming), the petitioner does not require any permission for Change of Land Use.

9. Further a perusal of the inspection report dated 09.05.2025 shows that no RMC plant or machineries in this regard were found at the spot.

10. In view of the above, we allow the present writ petition by setting aside the impugned orders. However, it is made clear that the petitioner shall install and run the Industrial Unit (Mushroom Farming) according to the policy of the Government; Rules made and instructions issued in this regard and that for carrying out any other activities than the Mushroom Farming, the petitioner will have to obtain necessary and requisite permission from the authorities concerned.

11. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(ALOK JAIN)
JUDGE

May 15, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No