
(2012) 03 P&H CK 0336
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4642 of 2012

Anoop Kumar Bansal

APPELLANT

Vs

Haryana Urban Development Authority and Others

RESPONDENT

Date of Decision : 14-03-2012

Acts Referred:

Haryana Urban Development Authority Act, 1977 — Section 18

Citation : (2012) 03 P&H CK 0336

Hon'ble Judges : Hemant Gupta, J;A.N. Jindal, J

Bench : Division Bench

Judgement

Hemant Gupta, J.—Challenge in the present writ petition is to the order of eviction passed under Sections 18 of the Haryana Urban Development Authority Act, 1977 (for short "the Act"), as an unauthorized occupant. One Smt. Amarjit Kaur was allotted an Industrial Plot vide letter of allotment dated 29.11.1985 for setting up a manufacturing unit for Electric Lytic Capacitors. The said plot was re-allotted to Anoop Kumar Bansal-petitioner on 04.11.1992. After the plot was re-allotted to the petitioner, the project was changed to Ice Manufacturing Factory. Since the allottee failed to start the industrial activities, an order of resumption was passed by the Estate Officer on 16.10.2006 (Annexure P-1). The appeal against the said order was allowed on 16.4.2008(Annexure P-3), subject to the condition that the allottee will start production as per the approved project within three months and also deposit Rs. 5,00,000/- as penalty for the past misconduct and misuse. The relevant extract from the order is reproduced as under:-

But it is also true that he misused the plot and has not produced any proof of production, therefore, in the interest of justice and fair play he is given one last opportunity and the resumption order is set aside with the condition that he shall start production as per the approved project within three months from the receipt of this order. For the past misconduct and misuse a penalty of Rs. 5.00 Lakhs is imposed which shall be deposited within 15 days from the receipt of this order. If the appellant fails to comply with the above directions, then the order of

resumption will come into force without any notice to the appellant. This appeal is accepted accordingly.

2. The petitioner deposited the amount of penalty of Rs. 5,00,000/-, but did not start production as per the approved project i.e. Ice Manufacturing Factory. It is the assertion of the petitioner that the petitioner has got his unit registered with the District Industrial Centre for purpose of "Atta Chakki".

3. Since the petitioner failed to start production, notice u/s 18 of the Act was issued being an unauthorized occupant. An order of eviction was passed on 04.07.2011 (Annexure P-9). Appeal against the said order was dismissed on 12.01.2012 (Annexure P-11).

4. Learned counsel for the petitioner has vehemently argued that the petitioner has deposited the entire amount of penalty, but could not start the manufacturing activity of ice since the petitioner had suffered financial losses. The petitioner had sought change of project and for that purpose got registered with the District Industrial Centre as well. Therefore, the petitioner has complied with the conditions imposed by the Administrator in his order dated 16.04.2008.

5. We do not find any merit in the argument raised. The petitioner has not sought change of purpose by making any request to the Haryana Urban Development Authority within three months or even thereafter even till today. The petitioner has got his unit registered with the District Industrial Centre for "Atta Chakki" that too on 21.10.2009. Mere registration of a unit with the District Industrial Centre does not amount to implied or express permission to use the premises, allotted by Haryana Urban Development Authority, for the purpose of "Atta Chakki". The order of resumption has attained finality in terms of the conditions reproduced. Therefore, the order of eviction has been rightly passed by the Authority under the Act.

6. In view of the said fact, we do not find any illegality or irregularity in the eviction order, which may warrant interference by this Court in exercise of its writ jurisdiction. Dismissed.