
(1994) 09 P&H CK 0096
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4785 of 1991

Milap Bal Mandir Model School Association (Regd.)	APPELLANT
Vs	
Chandigarh Administration and Others	RESPONDENT

Date of Decision : 27-09-1994

Acts Referred:

Chandigarh Lease Hold of Sites and Buildings Rules, 1973 — Rule 8

Citation : (1995) 109 PLR 708

Hon'ble Judges : J.L. Gupta, J;A.P. Chowdhri, J

Bench : Division Bench

Advocate : Arun Jain, for the Appellant; Ashok Aggarwal and Subhash Goyal, for the Respondent

Judgement

A.P. Chowdhri, J.—These seven writ petitions (No. 4785, 4944, 4970, 6621, 6616, and 6128 all of 1991 and 5260 of 1993) can be disposed of by a common order as these petitions arise out of substantially similar facts and circumstances. These were admitted to D.B. by order dated August 1, 1991.

2. The petitioners are various educational institutions, associations, or registered societies who applied to the Chandigarh Administration for allotment of land for the construction of the educational institutions at Chandigarh. Their main grievance is that the Chandigarh Administration has been following a policy of pick and choose and has been allotting land to various educational institutions in an arbitrary manner by ignoring the claim of the petitioners.

3. During the hearing of these petitions, it was not disputed before us that there is no set or declared policy/guideline according to which the land is allotted by the Chandigarh Administration to various educational institutions/societies. As and when an application or a number of applications are received, a decision is taken thereon depending on the facts and circumstances of each case. This has given rise to the grievance projected by the various petitioners that their claim had been ignored arbitrarily.

4. During the course of hearing after obtaining instructions from the quarters concerned, Mr. Ashok Aggarwal, Senior Advocate, learned counsel for the respondents, stated that he had received letter No. I3902/G-III dated July 26, 1994, from the Estate officer, Union Territory of Chandigarh, forwarding therewith Memo. No. 2476-UTFI (5)-94/9076 dated July 12, 1994, to the effect that the Chandigarh Administration had decided to finalise the criteria/ guidelines for the allotment of land for school buildings to societies de novo. It has further been decided by the Administration that the claim of the petitioner-societies will be considered along with other applicants in terms of the criteria/guidelines being formulated. Mr. Aggarwal made statement of this effect. In view of the above-referred statement, we dispose of these writ petitions with the following observation/directions;

(i) The Chandigarh Administration shall finalise the criteria/guidelines/policy with regard to allotment of land to various educational institutions/societies intending to construct school at Chandigarh, as soon as possible, preferably within a period of six months from today.

(ii) Amongst other relevant factors, the Chandigarh Administration shall keep in view the date of which the various applicants approached the Administration for allotment of land, and in doing so give the applicants the priority they deserve on the basis of the date of applications. We may not be taken to mean that the rule of "first come first served" shall be adopted.

(iii) It should be made clear that in the criteria standing of the organisation/ institution on its own merits may justify preferential treatment in the matter of allotment of land on overall consideration of the facts and circumstances and merits of the applicant.

(iv) The respondent-Administration shall keep in view the statement made by learned counsel appearing on its behalf in CWP No. 3478 of 1990 dated May 31, 1990 (Annexure P-7 in CWP No. 5260 of 1993), the relevant portion of which reads as under:-

"Mr. Jain has produced before us a draft in the name of Estate Officer, Chandigarh Administration for Rs. 2 lacs as directed vide our last order.

Mr. Ashok Bhan appearing for the respondents-States that allotment made in favour of respondent No. 3 in Sector 21-A has been cancelled. He further states that the claim of the petitioner for the allotment of plot will be considered in accordance with rules in case the petitioner files a fresh application along with the demand draft as referred to above within a period of 15 days from today. If the application is so filed, the Administration would process and finalise it within three months from the date of filing of the application. It is further undertaken on behalf of the respondents that the seniority of the petitioner in the matter of this allotment would not be ignored in any manner and rather he would be given priority. This completely satisfied the learned counsel for the petitioner.

The petition is disposed of as infructuous."

(v) Mr. O.P. Goyal, Advocate, learned counsel for the petitioner in CWP No. 5260 of 1993, placed on record some of the relevant factors which deserve to be considered for inclusion in the criteria to be formulated. A copy of the same has been delivered to Mr. Ashok Aggarwal, learned counsel for the Chandigarh Administration. The same shall be taken into consideration while finalising the aforesaid policy.

(vi) The order of rejection conveyed vide Estate Officer's letter Annexure P-13 dated August 3, 1992 in CWP No. 5260 of 1993 is hereby set aside. The application of the petitioner in the said CWP shall be considered on merits according to the policy being framed by the Administration.

(vii) The policy framed, as stated above, shall be given due publicity. In particular, each of the petitioners in these writ petitions shall be informed by sending a copy of the criteria/policy adopted by the Administration.

(viii) The applications made by the petitioners in these writ petitions as also other applications which may have been received in the interregnums period upto the date of finalising and those received thereafter shall be dealt with in accordance with the guidelines/policy to be formulated.

(ix) It will be open to the petitioners to challenge the action of the Administration taken in pursuance of the aforesaid policy in accordance with law notwithstanding the disposal of these writ petitions. Till the aforesaid policy is finalised and implemented, no further allotment shall be made to any educational institution except with the prior approval of this Court.

5. This order will not be taken as a seal of approval on the allotments made. These writ petitions are disposed of in these terms.