

(1996) 12 P&H CK 0074
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 9451 of 1992

Santosh Law Book Binding Works Guru Nanak Printing Press	APPELLANT
Vs	
Chandigarh Administration	RESPONDENT

Date of Decision : 17-12-1996

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) 115 PLR 551 : (1997) 2 RCR(Civil) 542

Hon'ble Judges : T.H.B. Chalapathi, J

Bench : Single Bench

Advocate : Gopal Mahajan, for the Appellant; Ashok Aggarwal and Jaskirat Singh, for the Respondent

Final Decision : Dismissed

Judgement

T.H.B. Chalapathi, J.—This writ petition is filed for quashing the order dated 27.11.1980 vide Annexure P-5 and the subsequent orders dated 31.10.1980 (Annexure P-11) and 18.5.1992 (Annexure P-13).

2. The respondent vide an advertisement invited applications for allotment of industrial plots in the Industrial Area, Phase-I, Chandigarh, at concessional rate of Rs. 15/- per sq. yard. In response to the said advertisement, the petitioner submitted an application with a Demand Draft of Rs. 1,000/- on 8.9.1975. The Chandigarh Rolling and Binding Association represented to the respondent on 15.6.1977 for allotment of suitable sites to the members of this Association in response to the said advertisement. According to the petitioner she is a member of the said Association and she applied for the site as proprietor of M/S Santosh Law Book Binder and Guru Nanak Printing Press vide its letter dated 28.11.1977. The case of the petitioner was considered and draw of lots took place on 9.10.1979 for allotment of plots in the Industrial Area and the petitioner became successful and plot bearing No. 60 measuring 5 Marias was drawn in her favour. But the petitioner was informed by the impugned letter dated 27.11.1980 (Annex. P-5) that the Chandigarh Administration has decided not to allot any plot

to Book Binders. According to the petitioner, she made a representation that she applied for the plot for Printing Press as well as Book Binding which includes Gold Printers, Quality Printers processing etc and the petitioner also clarified that she was successful in the draw of lots of 5 Maria plots and plot bearing No. 60 was announced to be allotted in her favour and the list was displayed on the Notice Board. The petitioner submitted another representation dated 13.5.1981 wherein she stated that she has been running two units under the title M/s Guru Nanak Printing Press and Santosh Law Book Binding Works and that she is the sole proprietor of both these units. She also made further representations on 16.10.1981, 19.11.1981 and 20.2.1982. But the petitioner was informed by the Chandigarh Administration vide its letters dated 31.10.1990 (Annexure P-11) and 18.5.1992 (Annexure P-13) that her request cannot be acceded to being a book binder as per the decision of Home Secretary of Union Territory, Chandigarh in Memo No. 2947-HIII(2)-80/14658 dated 17.6.1980. The petitioner, therefore, filed this writ petition seeking quashing of the letter dated 27.11.1980 and subsequent letters dated 31.10.1990 and 18.5.1992 issued by the respondent and to direct the respondent to allot a plot to her as she became successful in the draw of lots.

3. The respondent filed a counter contending inter alia that the petitioner applied for the allotment of an industrial plot in the name of M/s Santosh Law Book Binding Works and that the Chandigarh Administration took a policy decision not to allot any industrial plot to book binders and the spot enquiries made by the Department revealed that the petitioner is not running any Printing Press at the address given in her application. Therefore, the petitioner is not entitled to any plot.

4. Annexure P-3 is the letter of the petitioner dated 28.11.1977 wherein it is clearly stated that she applied for the plot for Santosh Law Book Binding Works at Chandigarh. Though the petitioner claims that she is running two units namely Guru Nanak Printing Press and Santosh Law Book Binding Works, the application was made by her for allotment of plot for Book Binding Works. Annexure R-3 shows that the spot enquiries made revealed that the applicant was not running any Printing Press at the address given by her and it was reported that the petitioner shifted her printing activities to Ropar. The petitioner cannot claim, as a matter of right, for allotment of plot simply because she was successful in the draw of lots. In this connection, it is useful to refer to the decision of the Supreme Court in *Paradise Printers and Others Vs. Union Territory of Chandigarh and Others*, wherein it has been held as follows:-

"Relying on these provisions, it was urged that the appellants had a right to obtain transfer of sites in respect of which the lots were first drawn in their favour. We are unable to accept this contention. Admittedly, at that stage, there was no intimation of allotment of sites to the appellants. There was no official communication to them as required under sub-rule(3) of Rule 8. Such intimation alone confers right on the appellants to obtain possession of the sites. The

intimation must be sent by a registered letter giving particulars of the sites allotted and the premium payable in respect thereof. In the absence of any such communication the appellants cannot be held to have to get transfer of sites in their favour."

It is also held in the said decision that the Chandigarh Administration has got a power to revise the policy and the revised policy does not suffer from any act of arbitrariness either in classifying the appellants as a separate group or in considering them for allotment of smaller sites in Phase-I. It has also been held in the said decision that "the authorities cannot give assurance contrary to the statutory rules. The sites are required to be disposed of by auction, allotment or sale as per the procedure prescribed. The authorities who are bound by the rules of procedure cannot make any representation or promise to allot particular sites to the applicants. Even if they make such promise or assurance, the doctrine of promissory estoppel cannot be invoked to compel them to carry out the promise or assurance which is contrary to law".

5. Simply because the petitioner was successful in the draw of lots, she cannot claim any indefeasible right for allotment of the plot as it is open to the Administration to change the Policy. When the Chandigarh Administration decided not to allot the plots to book binders, the same cannot be found fault with as the same is based on reasonable classification as held by the Supreme Court. I am, therefore, of the opinion that the writ petition is liable to be dismissed.

6. Apart from that, the writ petition also deserves to be dismissed on the ground of delay and laches. The petitioner was informed on 27.11.1980 that she was not entitled to allotment of the plot on the basis of the revised policy. Except making a representation to the authorities, the petitioner did not take any legal remedy that was open to her under law. Therefore, the letters dated 31.10.1990 and 18.5.1992 do not furnish any cause of action to the petitioner. Further the said letters are only reiteration of the earlier decision taken by the Administration on 27.11.1980. I am, therefore, of the opinion that the delay of 12 years in filing the writ petition dis-entitles the petitioner from any relief.

7. In view of my foregoing discussion, I do not find any merit in the writ Petition and the same is, therefore, dismissed. But in the circumstances of the case, there will be no order as to costs.