

(1996) 10 P&H CK 0022
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 4253 of 1992

Shri Vipin Kumar

APPELLANT

Vs

The State of Haryana and Another

RESPONDENT

Date of Decision : 29-10-1996

Acts Referred:

Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 — Section 8

Citation : (1997) 116 PLR 165 : (1997) 2 RCR(Civil) 250

Hon'ble Judges : Sat Pal, J; M.S. Liberhan, J

Bench : Division Bench

Advocate : Rajinder Singh, for the Appellant; Govind Goel, for the Respondent

Judgement

M.S. Liberhan, J.—This order of ours shall dispose of CWP Nos. 4253, 4254, 4255, 5123 to 5126 of 1992 as common questions of law and facts are involved in all these s. Vide impugned order, the Director, Town and Country Planning, Haryana has rejected the site plan submitted by the petitioner on the ground that the land under dispute is under contemplation for acquisition. The site plan submitted does not conform to the envisaged planning proposal also. The reading of this order makes out it to be a non-speaking order. The affected party cannot effectively prefer an appeal as it is an appealable order. Nothing has been pointed out how the plan submitted by the petitioner is not in conformity with the planning or when the land is being acquired. Although the petitioner preferred an appeal against the impugned order but the Commissioner dismissed the same for the reasons best known to him while observing that the impugned order is speaking one. We have put to the counsel for the State as to how the impugned order is a speaking one, he could not give any satisfactory reply.

2. We are of the considered view that mere fact of the land being under contemplation for acquisition does not empower the respondents to interfere in its use in the manner the petitioner wants to use in accordance with law.

3. In view of the observations made above, the impugned order rejecting the

plan submitted by the petitioner cannot be sustained and the same is quashed. The respondents are directed to pass an appropriate fresh order after granting an opportunity of hearing to the petitioner in accordance with law within one month from today. However, the petitioner will be at liberty to amend the plan already submitted so as to bring it in conformity with the planning or to remove the objection(s) if any, raised by the respondents. The writ petition is disposed of accordingly.