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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

To

W-107

- ① State of Haryana through the Secretary, Govt. of Haryana, Urban Estate, Department, Chandigarh
- ② The Chief Executive Officer, Haryana Urban Development Authority, Chandigarh
- ③ The Estate Officer, Haryana Urban Development Authority, Panipat



Subject: Civil Writ Petition No. 15230 of 2008

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is on website.

M/S Pooja Enterprises, Panipat
- Petitioners

Versus

STATE OF HARYANA, PUNJAB/UT CHANDIGARH, ADMN/ HUDA, PANIPAT & others.
- Respondents.

29-12-08
Sir.

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In continuation of this Court's orders dated -
I am directed to forward a copy of Order, dated 4-11-08 passed by the Hon'ble High Court in the above noted Civil Writ Petition for immediate strict compliance.

Given under my hand and the seal of this Court on this 16th Day of November, 2008.

BY ORDER OF HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

Superintendent (Writ)
ASSISTANT REGISTRAR (Writ)

16/11/08

FILED TODAY
 No. 145746
 30 NOV 2007
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READER TO PUNJAB & HARYANA AT CHANDIGARH
JOINT REGISTRAR

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO 18230 OF 2007

M/s Pooja Enterprises through its sole Proprietor
 Ishwar Chand Garg, C/O 626, Sector 12, Panipat.

.....Petitioner

Versus

1. State of Haryana through the Secretary to Government, Haryana, Urban Estates Department, Haryana Civil Secretariat, Chandigarh.
2. The Chief Administrator, Haryana Urban Development Authority, C-3, Sector-6, Panchkula.
3. The Estate Officer, Haryana Urban Development Authority, Panipat.

.....Respondents

Civil Writ Petition under Articles 226/227 of the Constitution of India praying for the issuance of a writ in the nature of mandamus directing the respondents to allot the Industrial plot measuring 2100 Sq. Mtrs. in Sector 29, Part-II, Industrial Estate, Urban Estate, Panipat; and for the issuance of any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.



MAHENDRA PAL SINGH
 JUDGE
 HIGH COURT
 PANIPAT
 11/11/07

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No.18230 of 2007

Date of decision: 4.11.2008

M/s Pooja Enterprises

....Petitioner.

Versus

State of Haryana and others

....Respondents.

CORAM: HONBLE MR.JUSTICE UMA NATH SINGH.
HON'BLE MRS.JUSTICE DAYA CHAUDHARY.

Present: Mr.Sachin Mittal, Advocate,
for petitioner.

Mr.Raghujeet Madan, Advocate,
for respondent Nos. 2 and 3.

Daya Chaudhary, J.

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a direction to the respondents to allot an industrial plot in Sector 29, Part-II, Industrial Estate, Urban Estate, Panipat

Briefly the facts of the case, as mentioned in the writ petition, are that Haryana Urban Development Authority (for short 'HUDA') invited applications for allotment of industrial plots of different sizes in various urban estates in Haryana. Petitioner also submitted application along with a draft of Rs.3,15,000/- supported by project report and other documents. He also appeared in interview before the Committee consisting

of Chief Administrator, HUDA, Managing Director, HSIDC and Director, Industries Department. The plot was not allotted to the petitioner whereas it was allotted to a person who was not applicant even on the date of interview.

The grievance of the petitioner is that no criteria for allotment of industrial plot was adopted by the Committee and plots were not allotted on the basis of respective merits of the applicants.

Learned counsel for petitioner has argued that as per criteria mentioned in the brochure for allotment of plots, the applications received in a particular month were to be treated as a block and the plots were to be allotted on an ongoing first cum first served basis and petitioner was entitled for allotment of plot as his application was received on September 4, 2004. The plots have been allotted to the applicants whose applications were submitted later than the date of the application of the petitioner.

Written statement has been filed by HUDA which is on record.

Mr. Raghujee Madan, learned counsel for HUDA, has argued that petitioner appeared before the interview committee, documents submitted by the petitioner were perused and after seeing all documents, including the project report and experience, petitioner was not found suitable and accordingly plot was not allotted to him. It has also been argued by learned counsel for respondents that petitioner was not having experience of dyeing and his past experience was that of Timber trade and he has recently started trading of handloom. Since petitioner was not having technical knowledge of the required trade, therefore he was not allotted plot.

We have heard learned counsel for parties and have perused the

pleadings.

The petitioner has misinterpreted the principle of **first come last served** whereas **on going, first come, first serve** means that the applicant in a single month shall be considered in a single block and was to be decided on merits qua the merits of viability and accepted success rates etc. of the project to be started and if in single block the successful candidates are not found, then next block of applicants were to be considered and this process was to go on unless and until all the plots were not allotted. It is clear from the arguments as well as written statement that plots were to be given to those candidates who were found successful in respect of project report, individual merits, financial capabilities etc. and mere submission of application was not sufficient to entitle any applicant for allotment of plot. The argument of learned counsel for petitioner is not tenable as the principle of **on going first come first serve** has wrongly been interpreted. It is not the case of the petitioner that being more meritorious on the basis of project report, experience and other documents, his claim was not considered and the claim of other applicants who were less meritorious vis-a-vis petitioner, for allotment of plots was considered. Admittedly, the petitioner has been in Timber trade and has recently started trading in handloom products and is now planning to set up his own manufacturing unit with no past experience and no technical knowledge.

The argument of learned counsel for petitioner that plots have been given to those persons whose applications were received later than the application of the petitioner, does not carry weight. Moreover, the petitioner has not mentioned even a single example of those candidates who were less meritorious and have been allotted plots.

We have carefully examined the impugned order Annexure P10 and the arguments raised by learned counsel for the petitioner and the principle of first come first served, which has been well explained in the impugned order in detail, we do not find anything wrong in the procedure adopted by the respondents in allotment of plots.

For the reasons aforementioned, the writ petition being devoid of any merit is hereby dismissed.

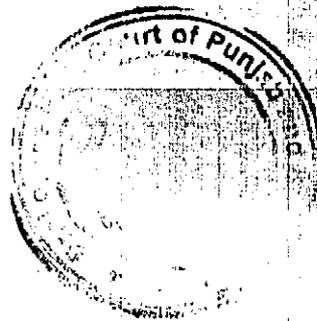
Sd/- Uma Nath Singh
Judge

Sd/- Daya Chaudhary
Judge

November 4, 2008
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17/12/08
Examined

Whether to be referred to Reporter?Yes/No



PUNJAB HARVANA HIGH CO

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