

ORDER

The Hon'ble High Court in its order dated 23.08.2012 in CWP No. 17048 of 2007 has held that the provisions of Act 41 of 1963 do not apply to the area falling within extended Municipal Limit. In view of above decision, the Department is unable to grant Change of Land Use Permission in respect of land/site falling within extended Municipal Limits.

2. Though the Department has already filed SLP No. 22539-22543 of 2013 before Hon'ble Apex Court against the above referred judgement of Hon'ble Punjab and Haryana High Court, however, as a precaution, the Department has restrained itself from considering the cases/applications seeking permission within municipal limits under provisions of Act 41 of 1963 and has transferred all the case files to the Department of Urban Local Bodies, Haryana, for decision.

3. Since in the above said orders of Hon'ble High Court, there had been no mention about the applicability of the Punjab New Capital (Periphery) Control Act, 1952 (Act No. 1 of 1953), which is operational within the Chandigarh Periphery Area of District Panchkula, vis-a-vis areas falling within Municipal Corporation, Panchkula, the Department of Town and Country Planning has been dealing with the cases falling within the Periphery Controlled Area till date.

4. However, recently in a case relating to Periphery Controlled Area, the legal opinion has been sought from the Advocate General, Haryana, who has opined that the Punjab New Capital (Periphery) Control Act, 1952 will not be applicable in the Municipal areas extended by Haryana Municipal Corporation Act, 1994. Further, it has also been opined that there is no necessity of exemption under Section 15 of the Punjab New Capital (Periphery) Control Act, 1952, as notification under the Haryana Municipal Corporation Act, 1994 stands issued.

5. In view of above said legal opinion given by Advocate General, Haryana, it is hereby ordered that the cases seeking permission under Act 1 of 1953, falling within limits of Municipal Corporation, Panchkula shall henceforth be dealt by the Department of Urban Local Bodies. Accordingly, it is hereby ordered that the record/files of all the cases falling within the limits of Municipal Corporation, Panchkula, ongoing or decided, be immediately transferred in original to the Department of Urban Local Bodies, Panchkula for necessary action. A register of such cases be maintained.

-Sd/-

Arun Kumar Gupta
Director General, Town and Country Planning,
Haryana, Chandigarh

Dated: Chandigarh the 26.10.2016

Endst No. STP(E&V)/PR-288/2016/1401-07

Dated: 26.10.2016

A copy is forwarded to the following for information and necessary action:

1. Director General, Urban Local Bodies, Haryana, Panchkula.
2. Chief Town Planner, Haryana, Chandigarh.
3. Chief Town Planner (IT & Monitoring), Haryana, Chandigarh.
4. Senior Town Planner, Monitoring, Haryana, Chandigarh.
5. Senior Town Planner, Panchkula.
6. District Town Planner, Panchkula.
7. District Town Planner (Enforcement), Panchkula.

-Sd/-

Senior Town Planner (E&V),
For: Director General, Town & Country Planning,
Haryana, Chandigarh