

Directorate of Town & Country Planning, Haryana

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Regd.

Orders

[Under Rule 18(3) of Rules 1976]

To

Radha Krishan Sri Niwas,
D.H.S. Road, village and Tehsil Hansi,
District Hisar.

Memo no. LC-515-PA (SN) 2015/23958

Dated: 07.12.2015

Subject: Cancellation of licence no. 123 of 2004 dated 02.10.2004 granted to develop a residential plotted colony over an area measuring 8.394 acres in the revenue estate of village Hansi Distt. Hisar.

Whereas licence no 123 of 2004 was granted to you vide this office Endst no 5DP-2004/13930-41 dated 02.10.2004 to develop a residential plotted colony over an area measuring 8.394 acres in the revenue estate of village Hansi Distt. Hisar and the said licence was valid upto 01.10.2006.

2. You failed to get the licence renewed inspite of repeated references made by this office vide memo dated 26.03.2009 and 06.01.2010. However, a request was received from Sh. Ramkishan, authorized signatory on dated 24.12.2010 for renewal of aforesaid licence and grant of part completion certificate which was examined and found the application was not as per the provisions of Rule 13 & 16 of the Haryana Development and Regulation of Urban Areas Rules, 1976 (herein after referred as Rules 1976) therefore, before cancellation of licence, an opportunity of personal hearing was accorded on 09.02.2011 which was conveyed vide this office memo dated 14.01.2011.

3. On the other hand Sh. V.K. Sanganeria (Lawful Attorney and authorized signatory at the time of grant of licence), submitted a different representation on 22.05.2010 and 24.05.2010 that there were unauthorized sale of plots in the colony and some constructions have also comes up without approval of building plans therefore, requested for taking suitable action against the violators. Since, the licence was not renewed therefore, notice under Rule 18(1) of Rules 1976 was issued to you giving an opportunity to set the deficiencies in order within a period of 30 days and said notice also was got delivered through District Town Planner, Hisar, but you failed to remove the deficiencies.

4. However, Sh. A.K. Sanganeria one of the partner of the licensee firm has made another complaint on 18.06.2012 against Sh. Ramkishan and Sh. Ghan Shayam Dass for illegally selling of plots in the colony and raising construction without approval of building plans.

5. Sh. A.K. Sanganeria, one of the partners of the licensee firm has also moved a Civil Suit, wherein the validity of licence granted on the said land had also been challenged. Sh. Ramkishan and Sh. Ghan Shayam Dass had also filed an application under order 1 Rule 10 read with Section 151 of the Code of Civil Procedure for impleading them as defendants in the said suit which has been allowed by the civil court.

6. Further, the plot allottees filed a CWP no 2198 of 2014 titled as Ashok Kumar and others Vs. State of Haryana in the Hon'ble High Court of Punjab and Haryana and as per order dated 06.02.2014 the matter was examined and accordingly directions were issued to the Sub Registrar, Hansi requesting him to put an embargo on further sale of plots in the colony and the show cause notice under sub Rule 18(2) of Rules 1976 was issued on 26.06.2014. The said show cause notice was also received undelivered. Therefore, the same was delivered through District Town Planner, Hisar. Through show cause notice, it was requested to set aside the following deficiencies:-

- I. As per provision of Rule 13 of the Rules 1976, you may apply to the Director for renewal of licence in Form LC-VI atleast 30 days before the expiry of license, accompanied with requisite documents but you failed to get the licence renewed till date.
- II. You have violated provision of Section 3(3) (a) of the Act of 1975 by not submitting revalidated Bank Guarantees on account of Internal Development Works which expired since 10.09.2005.
- III. You have not completed the Internal Development Works at site, and have thus violated the provision of Section 3 of Act of 1975.
- IV. You have failed to deposit the outstanding dues of ₹ 350.21 lacs on account of EDC and Rs. 35.60 lacs on account of Infrastructure Development Charges and ₹ 10.14 lacs on account of service charges (as on 03.06.2014).
- V. You have not complied with the provisions of Rule 24, 26(2), 27 & 28 of the Rules of 1976.

7. Whereas, your reply dated 22.08.2014 received through Sh. Surender Rajpal, Advocate, Hansi against show cause notice dated 26.06.2014 along with subsequent references / documents received in this regard has been examined and found unsatisfactory as you have not rectified / attended the deficiencies conveyed vide aforesaid show cause notices. Further, you have not applied for renewal of licence since 2006 and bank guarantees submitted against EDC and IDW also stands expired.

8. Further, it has also come to the notice that you have sub divided the licensed land mutually as per the conveyance deed registered way back on 20.08.1959 and you have concealed this fact pertaining to conveyance deed dated 20.08.1959 at the time of grant of licence by the Department.

9. Further, it has also come to the notice that there is dispute amongst the partners of Firm as well as with the collaborator regarding the title of land and development / sale of the colony. You have also not submitted the supporting documents i.e. latest jamabandi and khasra Girdawari showing the ownership of the land falling under khasra nos. 1224 & 1228 to prove the ownership in share.

10. In view of above said facts before cancellation of licence No. 123 of 2004 dated 02.10.2004, an opportunity of personal hearing was accorded for 05.08.2015 at 3:00 PM vide this office memo no 12474 dated 14.07.2015.

11. Sh. Ramkishan, authorized signatory on behalf of Radha Krishan Sri Niwas appeared for hearing on 05.08.2015 and his request for grant of four week time was allowed. The next date of hearing was fixed for 24.08.2015, but no one appeared for hearing on behalf of you, however, a letter was received from Sh. Mahabir Parsad to provide afresh date of hearing and in the interest of justice, another date for hearing fixed for 07.10.2015 which was duly conveyed vide this office memo no 18466 dated 28.09.2015. No one appeared on the date of hearing. But an email from Sh. Uday Sanganeria was received informing that the suit for possession by way of partition is filed by Sh. Arun Kumar Sanganeria and is pending before the Ld. Civil Court at Hansi. The contents of the email have been examined and found that no stay order has been passed by any Hon'ble Court.

12. Therefore, in view of the above circumstances, licence no. 123 of 2004 dated 02.10.2004 granted for development of residential plotted colony over an area measuring 8.394 acres in the revenue estate of village Hansi Distt. Hisar is hereby cancelled.

Sd/-
(Arun Kumar Gupta)
Director General,
Town and Country Planning,
Haryana, Chandigarh

Endst no: LC-515/PA (SN)/2015/ 23959-965

Dated: 07/12/2015

A copy is forwarded to following for information and further necessary action.

1. Chief Administrator, HUDA, Panchkula.
2. Chief Engineer, HUDA, Panchkula.
3. Chief Account's officer of this Directorate.
4. Senior Town Planner, Hisar.
5. District Town Planner (HQ) Sh. P.P. Singh with request to update the status on website.
6. District Town Planner, Hisar.

Sd/-
District Town Planner (HQ)
For: Director General, Town & Country Planning,
Haryana, Chandigarh

Endst no: LC-515/PA (SN)/2015/ 23965-976

Dated: 07.12.2015

A copy is forwarded to following for information and further necessary action.

- i. Ram Kishan S/o Sh. Bhag Chand R/o Arya Nagar, Hansi.
- ii. Ghanshyam Dass S/o Sh. Dalip Singh, R/o Krishna Colony, Jind Road, Hansi.
- iii. Mahabir Parshad, H. No. 485, Sec 6-P, HUDA, Hansi Distt. Hisar (Haryana).
- iv. Sham Sunder Sanganeria, 20, Tara Chand, Dutt Street Calcutta.
- v. Hari Ram Sanganeria, 20, Tara Chand, Dutt Street Calcutta.
- vi. Sushil Kumar Sanganeria, 20, Tara Chand, Dutt Street Calcutta.
- vii. Rajender Kumar Sanganeria, 20, Tara Chand, Dutt Street Calcutta.
- viii. Vijay Kumar Sanganeria, 20, Tara Chand, Dutt Street Calcutta.
- ix. Arun Kumar Sanganeria, 2A, Rajhans, 6, Hastings Park road, Alipore, Kolkota-700027

Sd/-
District Town Planner (HQ)
For: Director General, Town & Country Planning,
Haryana, Chandigarh