

M/S Chandigarh Paper Board Mills Private Limited

Vs

Chief Commissioner, Union Territory of Chandigarh and Others

Civil Appeal No. 1371 of 1972

(CJI Y. V. Chandrachud, O. Chinnappa JJ)

10.11.1982

ORDER

1. Clause (9) of the conveyance dated November 4, 1958 which was executed by the State of Punjab in favour of the appellant says that the transferee, that is to say, the appellant, shall not use the site sold to him for a purpose other than an industrial purpose and further that he shall not use the construction on it for a purpose other than for which it has been constructed, except in accordance with the rules made under the Capital of Punjab (Development and Regulation) Act, 1952. There is no doubt that what was intended by this clause was that the site sold to the appellant shall not be used by him, for a commercial purpose as contradistinguished from an industrial purpose, that is to say, that he shall use it for the purpose of his own industry or business but not for any other purpose. It is common ground that the appellant has constructed a weighing bridge on the site sold to him and he is allowing members of the general public to use that weighing bridge on payment. He was entitled to construct the weighing bridge and to use it for his own purposes but to the extent that he allows the members of the general public to use it, he has violated the terms of Clause (9).

2. The impugned order, therefore, by which the appellant is called upon to discontinue the user of the weighing bridge for any purpose save his own is valid and no exception can be taken to it. The judgment of the High Court is confirmed and the appeal is dismissed. There will be no order as to costs.

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