

Chandigarh Administration

Vs

Laxman Roller Flour Mills Pvt. Ltd.

Civil Appeal No. 6375 of 1997

(S. B. Majmudar, B. N. Kirpal JJ)

12.09.1997

ORDER

1. Delay condoned.

2. Leave granted.

3. Plot No. 182/12, Industrial Area, Chandigarh was allotted to one M/s Khushal Furnishing and Carpeting Company. The allottee was required to construct building on the said plot of land and obtain an occupation certificate within one year from the date of allotment. Subsequently, the allottee sought permission from the appellant for transfer of the said plot in favour of M/s Laxman Roller Flour Mills Pvt. Ltd. - respondent herein. Permission asked for was granted and a lease deed setting out all the terms and conditions was executed in favour of the respondent. On inspection it was also found that constructions made by the respondent on the said plot of land was not in accordance with the original plan submitted with the appellant. Therefore, the respondent was advised to submit a revised plan to be passed in accordance with the rules and also to complete the construction within the extended period of time. Since the respondent could not complete the construction within the stipulated period, the lease granted in its favour stood cancelled. This led the respondent to file a petition under Articles 226 and 227 of the Constitution of India before the High Court of Punjab and Haryana. The relief sought for by the respondent was as under :

"(a) issue a writ in the nature of certiorari quashing the impugned orders Annexures P-5 and P-7;

(b) issue a writ of mandamus directing the respondents to grant extension and permission to mortgage Industrial Plot No. 182/12, Industrial Area, Phase 1, Chandigarh and restraining the respondents to dispossess the petitioner from the peaceful possession of the industrial plot in dispute;

(c) issue other writ order or direction which this Hon'ble Court deems fit in the special circumstances of the case;

(d) service of advance notices to the respondents be dispensed with;

(e) the petitioner may be exempted from filing certified copies of the annexures;

(f) costs of the petition may be awarded to the petitioner;

(g) that during the pendency of the writ petition order Annexure P-7 and

dispossession of the petitioner may be stayed or any other ad interim order may be passed which this Hon'ble Court deems fit."

4. A perusal of the relief extracted above shows that the writ petitioner-respondent never asked for any relief in the writ petition commanding the Chandigarh Administration to issue completion certificate in its favour. Learned counsel for the respondent frankly stated that there is no allegation in the writ petition to the effect that Chandigarh Administration has illegally withheld the completion certificate. It is settled law that unless the allegations are made in the writ petition and a relief to that effect is also prayed for in the writ petition, the High Court is not justified in issuing any order in excess of the relief prayed for in the writ petition. We are, therefore, satisfied that in the absence of pleading and prayer in the writ petition, the High Court fell in error in issuing directions to the appellant to issue completion certificate to the writ petitioner-respondent. In such circumstances, we set aside the order of the High Court to the extent it directs the Chandigarh Administration to issue completion certificate to the writ petitioner-respondent. The appeal is thus allowed. There shall not be any order as to costs.