(2014) 01 P&H CK 0289

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 25601 of 2012 (O and M)

Punjab Marriage Palace and Resorts Association		APPELLANT
	Vs	
State of Punjab		RESPONDENT

Date of Decision: Jan. 10, 2014

Acts Referred:

- Constitution of India, 1950 - Article 14, 19(1)(g)
- Punjab Regional and Town Planning and Development Act, 1995 - Section 139, 139, 140, 141, 142
- Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 - Section 2(3), 3, 4, 6

Citation: (2014) 3 RCR(Civil) 674

Hon'ble Judges: Surya Kant, J; Surinder Gupta, J

Bench: Division Bench

Advocate: Puneet Bali, Senior Advocate and Vibhav Jain, Advocate and Girish Agnihotri, Senior Advocates, Vijay Pal and J.S. Gill, Advocate for the Appellant; Ashwani Talwar, Addl. AG Punjab, Suni Kumar Vashist, AAG, Punjab and R.S. Khosla, Advocate, Ashish Verma, Advocate, Reeta Kohli, Advocate, Amandeep Kaur, Advocate for P.S. Khurana, Advocate and Madhu Sehgal, Advocate for Ashish Grover, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Surya Kant, J.

This order shall dispose of CWP Nos. 25368, 25433, 25601, 25929 of 2012; 685, 15483, 11306, 26367 of 2013 as the issues involved are common in nature. For brevity, the facts are being extracted from CWP No. 25601 of 2012. The Punjab Marriage Palace and Resorts Association as well as some of the other Marriage Palaces and Resorts have questioned the validity of Punjab Government notification dated 16th November, 2012 founded upon the decision taken by the Council of Ministers whereby ''Policy Guidelines and Building Norms for Regularisation of

existing Marriage Palaces and Setting up of New Marriage Palaces in the State of Punjab", have been laid down.

2. Firstly, a brief reference to the genesis of the Policy, under challenge, may be made. In a Public Interest Litigation bearing CWP No. 21547 of 2011, Jagjit Singh v. State of Punjab & Ors., issues relating to (i) the unending traffic jams due to unauthorized parking of hundreds of vehicles on the roadside in front of Marriage Palaces, (ii) road-accidents caused due to chaotic conditions and unauthorized construction of Marriage Palaces/Resorts in violation of provisions of the Punjab Scheduled Roads and Controlled Areas Restriction of Unregulated Development Act, 1963 (in short, ''the 1963 Act'') or the Punjab Regional and Town Planning and Development Act, 1995, (in short, ''the 1995 Act'') were raked up. The PIL Bench was apprised on 24th July, 2012 that there were as many as 92 Marriage Palaces in Patiala district alone situated outside the Municipal limits, out of which only 10 had obtained ''No Objection Certificate'' from the Town and Country Planning Department before the construction started. This Court, on that day, observed and directed as follows:-

''We feel that such an action on the part of the officials is not justified. The Deputy Commissioner, Patiala is directed not to allow opening of that marriage palace till further orders. It is further stated that one marriage palace namely U.K. Resorts is under construction without getting any permission. The directions are issued to the Deputy Commissioner, who is the Chief Administrator of the Patiala Development Authority, to stop construction of that marriage palace forthwith, if need be, he can get assistance from the Police Department. The marriage palaces mentioned at Clause (iv)(d), (e), (f), (g) of the report whose applications are pending to get the building plans regularized, after construction be also not given any such permission. The directions are also issued to the Chief Administrator of GMADA not to allow any marriage palace to run which is not constructed after getting requisite permission as per law. The compliance be ensured forthwith.

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No person can be allowed to flout the law and if anybody is found working contrary to the law he has to be dealt with severely. Nobody can be given liberty first to raise illegal construction and when action is initiated for demolition of such construction, then they apply for getting the building plan regularized."

(Emphasis applied)

3. The matter was again taken up on 17th August, 2012 and the following direction was issued:-

''Directions are also issued to the State of Punj ab to verify the number of marriage palaces being run, in each district and to inform the Court as to how many marriage palaces, out of the so identified, were opened after getting all necessary

permissions under the relevant Acts, including Change of Land Use(CLU)etc."

4. On 23rd August, 2012, this Court directed as follows:-

''Mr. Puri is directed to instruct the authorities concerned who are dealing with the matter to ensure that all the marriage palaces have sufficient space for parking of the vehicles within its boundary or alternate parking space and an undertaking be got from the owners of all the marriage palaces that at the time of any function therein, no vehicle shall be parked on the land earmarked for road and for station next to the road."

(Emphasis applied)

5. It was in this backdrop and for regulating the haphazard growth of marriage palaces that a draft Policy was framed and pursuant thereto, the marriage palaces were given an option of seeking regularization of their respective constructions. It was noticed by this Court on 4th September, 2012 that 86 marriage palaces had applied for the regularization of their buildings after complying with the proposed norms. The authorities were accordingly permitted to scrutinize the case of those marriage palaces.

6. The draft Policy was thereafter notified formulating the ''Building Norms for Regularization of the existing Marriage Palaces and for setting up of new Marriage Palaces in the State of Punjab''. The Policy, inter alia, prescribes (i) Permissible Zones for Marriage Palaces; (ii) Building Norms including at least 100 mtrs. distance from the site of a school, college or hospital and the parking of vehicles within the premises and no vehicle to be parked on road or roadside; (iii) Schedule of area and other norms for setting up new marriage palaces; (iv) Regularization of existing marriage palaces along with CLU/EDC/PF/SIF charges and various other fees (Annexure-D); (v) bifurcation of the entire State into 8 zones and the different rates of charges/fees for the regularization of the existing marriage palaces for each zone ranging from Rs. 4 lac to Rs. 50 lac per gross acre.

7. The petitioners, who represent the existing marriage palaces, thus, impugn the subject-Policy on multiple grounds including that-

(i) the marriage palaces constructed on the scheduled roads and the bye-passes before the 1963 Act came into force cannot be termed unauthorized or illegal;

(ii) the marriage palaces constructed before the year 1995 in the areas now regulated under the 1995 Act too are not illegal or unauthorized. The impugned Policy thus cannot be given retrospective operation;

(iii) the land use fee, namely, CLU charges came to be prescribed first time vide notification dated 17th August, 2007 only, hence the marriage palaces constructed prior to that date are not liable to pay any CLU/EDC charges etc.;

(iv) the impugned policy suffers from the vice of hostile discrimination. Reference is made to the notification dated 11th January, 2008 prescribing CLU, EDC and Licence Fee at the rate of 50% of the ''residential-plotted category'' for establishing a hotel. It is explained on illustrative basis that CLU charges for a ''plotted-residential colony'' in SAS Nagar Mohali for the land abutting National Highway are Rs. 5.98 lacs per gross acre; EDC charges of Rs. 36.95 lacs per gross acre; and the licence/permission fee is Rs. 4 lac per gross acre. Thus, for establishing a Hotel on such land only Rs. 40.95 lacs approximately per gross acre are payable while for a Marriage Palace Rs. 50 lacs per gross acre are prescribed;

(v) The impugned Policy is irrational and arbitrary as it overlooks the fact that unlike a Hotel, the marriage palace is used for the social, religious and other cultural activities as well and is not put to use regularly or every day, it is rather used for seasonal activity;

(vi) The impugned policy exorbitantly mandates the use of 50% of the plotted area exclusively for the parking which means that if a marriage palace is spread over 10 acres of land, 5 acres goes for earmarked parking only. As against it, if the total area of the marriage palace is 3 acres or so, only 1= acres would be needed for parking. Lack of rationality is thus attributed to the impugned policy;

(vii) External Development Charges (EDC) are leviable in accordance with Sections 139 to 142 of the 1995 Act at the rate to be assessed by the Arbitrator and on quid pro quo basis, namely, in lieu of amenities like the roads, sewerage, drainage, water and electricity etc. In the case of marriage palaces which are mostly located outside the Municipal limits, no such amenities are provided by the Local Administration. Moreover, EDC has been levied without its assessment by the Arbitrator;

(viii) The prescription of different rates of charges/fee for different zones under the impugned Policy has no intelligible classification, for a marriage palace in a village like Mullanpur (in close vicinity of Chandigarh) is required to pay higher charges than those prescribed for a marriage palace located within the Municipal limits of Ludhiana;

(ix) The impugned Policy is violative of Article 19(1)(g) of the Constitution as it imposes unreasonable restrictions on the business activities of the petitioners;

(x) The fixation of short period of three months to apply and seek regularization along with 50% of the charges/fee is highly unreasonable, unjust and unfair;

(xi) ''Marriage palaces'' fall within the ambit of ''buildings'' for the purpose of later policy notified on 21st August, 2013 (Annexure A) for regularization of unauthorized colonies and plots/buildings.

8. Respondents No. 1, 2 & 10 have filed their joint written statement clarifying that the notification dated 16th November, 2012 stands modified vide notification dated 07.01.2013 (Annexure R2) and as per the amended policy, an unauthorized marriage

palace is initially required to deposit only 25% of the total charges and the balance 75% is payable in three equal six-monthly instalments with interest. It is maintained that the object of the policy is to provide an opportunity to the marriage palaces, which have been set up without any approval and in violation of the laws, to deposit the CLU, EDC, Permission fee and SIF so that the violations are compounded. The norms have been prescribed keeping in view the public safety and public convenience. As regard to Hotel charges, it is explained that vide notification dated 11.01.2008, ''Hotel'' has been declared as an industry, hence there can be no comparison between the marriage palaces and the Hotels. EDC rates have been statedly prescribed keeping in view not only the existing infrastructure but also the overall future development of the area. The parking norms, as prescribed in the impugned Policy, have also been defended on the plea that most of the Marriage Palaces have been making use of the road sides as parking areas causing extreme hardship and inconvenience to the public at large.

9. We have heard learned counsel for the parties at some length, in support of their submissions summarized in preceding paragraphs, and have also gone through the paper-books as well as various policy notifications and circulars referred to by them.

10. The unusual growth of marriage palaces throughout the State most of which are located on the State or National Highways and the resultant traffic chaos with bumper-to-bumper parking on these busy roads causing potential and constant terrible inconvenience to the traveling public and daily commuters have led to the intervention by this Court in exercise of its public interest jurisdiction. The necessity to regulate the existing or new marriage palaces was the need of the hour. The directions issued by this Court from time to time some of which are referred to in paras 3 to 6 of this order compelled the stakeholders to address the issue. The formation of the subject-Policy is thus indeed in public interest and save it does not suffer from the vice of discrimination or arbitrariness or is not found in conflict with any statutory provision, this Court would be extremely reluctant to interfere with it.

11. The petitioners'' have mounted three-fold attack on the subject policy. The following three issues thus raised by them need to be addressed:-

(i) Whether the impugned policy does not stand to the touchstone of Equality within the meaning of Article 14 of the Constitution?

(ii) Whether the rates of various charges and fee levied under the Policy have been prescribed arbitrarily and irrationally?

(iii) Whether the impugned policy has been given retrospective effect by enforcing against the existing marriage palaces also? Whether the impugned policy does not stand to the touchstone of Equality within the meaning of Article 14 of the Constitution?

12. The foremost contention revolves around the purported discrimination meted out to marriage palaces as compared to Hotels in respect of CLU/EDC charges or the licence/permission fee. A pointed reference was made to the notification dated 11th January, 2008 whereunder the above-stated charges for Hotels etc. have been prescribed. The notification dated 11th January, 2008 unveils that the State Government with a view to upgrade the development of infrastructure realized the need of adequate number of ''institutions'', ''hospitals'', ''multi-media centres'' and ''hotels''. The following category of ''Hotels'' fall within the ambit of this Policy:-

"It must have a minimum plot size of 5000 sq.mt with atleast 200 ft. frontage on a minimum 80ft. wide road. It should have a management tie up or franchise arrangement with National/International hotel chain of repute having atleast five hotels consisting of minimum of 50 rooms each in India/abroad. The land owner can have joint venture/Development agreement/revenue sharing arrangement with the developer/Hotelier."

13. The concessional CLU charges and licence/permission fee are payable in single instalment while the EDC charges for a ''hotel'' can be paid in two equal six-monthly instalments within a year as prescribed in Clause-4 of the notification. It may be mentioned here that ''Hotel'' has been indisputably categorized as an ''Industry''.

14. As against it, a marriage palace can be set up even on an area measuring 1200 sq.mtr. (in Municipal limits) and 2001 sq.mtr. (outside Municipal limits). Unlike a Hotel, there is no pre-condition of construction of minimum rooms or of a ''franchise'' arrangement with national or international chain in the case of a marriage palace. Similarly, while a hotel site needs frontage of 200 ft. on a minimum 80 ft. wide road, a marriage palace needs frontage of 12 mtrs. (minimum) to 30 mtrs. (maximum) only. Likewise, there is a vast difference between a ''hotel'' and a ''marriage palace'' with respect to the nature of construction, total covered area, requisite facilities for the visitors, nature and standards of utilities and multiple usages. There can be thus no comparison between the two incomparable entities. Since the marriage palaces and hotels do not constitute one and the same homogeneous class, the prescription of different rates of statutory charges/fee for them cannot be held to be discriminatory. Such a differentiation falls within the four corners of ''reasonable classification''. Whether the rates of various charges and fee levied under the Policy have been prescribed arbitrarily and irrationally?

15. The petitioners in this regard have made twofold complaint. Firstly, it was urged that the rates of charges/fee prescribed under the impugned Policy are highly exorbitant and if not rationalized, most of the marriage palaces would crumble under their weight. Secondly, the differentiation in rates from one zone to another is also irrational, unguided and per se arbitrary. Having pondered over both the submissions, we do not find any substance therein. We say so for the reason that firstly the CLU and EDC charges have been prescribed after due deliberations and keeping in view the relevant factors like the Collector rates, the value of land and its

potentiality etc. These charges have been increased wherever the proportionately higher FAR has been allowed. Secondly, the record produced before us does indicate that the relevant information was called for and the rates were recommended on the basis of a uniform criteria which were finally approved by the Council of Ministers. Thirdly, the prescription of rate(s) of statutory charges or fee is essentially a policy matter where the Court would be wisely reluctant to interfere. Fourthly, the information given by the District Town Planner (HQ) suggests that most of the marriage palaces have accepted the notified rates and have applied for regularization. Fifthly, the Government of Punjab has vide notification dated 6th May, 2013 partially modified its previous policy decisions including the impugned one dated 16th November, 2012 and the rates of EDC, CLU, PF/LF/SIF have been suitably reduced. The grievance of the petitioners with regard to the alleged excessive rates of EDC/CLU etc. has thus been partially redressed in some of the zones. Sixthly, the remedy against the rates of development charges, if any, lies by way of an appeal u/s 142(1) of the 1995 Act.

16. We may also at this stage deal with the petitioners'' contention that Development Charges have been levied without any assessment by the Arbitrator as contemplated u/s 139 of the 1995 Act, which reads as follows:-

''139.(1) Subject to the provisions of this Act and the rules made thereunder, the Authority may, with the previous sanction of the State Government, by notification, levy a charge (hereinafter called the development charge) for the recovery of total cost of amenities already provided or proposed to be provided in future by the Authority or on the institution or change of, use of land or buildings or on the carrying out of any development under this Act in the whole or any part of the planning area in the manner hereinafter provided.

(2) (a) Where no other mode of recovery of the cost of any scheme prepared by the Authority under Chapter XII is provided under this Act, the Authority may levy development charge not exceeding the amount of the total cost of amenities already provided or proposed to be provided in future with a view to recover the cost of such amenities.

(b) The development charge may also be levied on the institution, or change of, use of land or building or on the carrying out of any development in the planning area: Provided that different rates of development charge may be levied for different parts of the planning area and for different uses : Provided further that no development charge shall be levied on institution, or change of, use of any land or building vested in or under the control or in possession of, the Central Government or the State Government.

(3) The rates of development charge leviable shall be assessed by the Arbitrator on a reference having been made in this behalf to the Arbitrator by the Authority."

17. Sub-Section (1) of Section 139 thus empowers the Authority to notify and levy development charges with the previous sanction of State Government which has been admittedly accorded in the instant case. Sub-Section (3) relied upon by the petitioners is a legislative safeguard against arbitrary fixation of development charges which are to be assessed by an Arbitrator on a reference made by the Authority (and not by the subject of such charges). Sub-Section (3) is inapplicable where charges so levied fall within the limit of sub-Section (2) of Section 139 of the 1995 Act.

18. We may also refer to the first proviso to sub-Section (2)(b) of Section 139 to meet with the petitioners'' contention that levy of EDC at different rates for different zones is impermissible. The aforesaid provision explicitly enables prescription of different rates of development charges for different parts of the planning area. The second issue stands answered accordingly. Whether the impugned policy has been given retrospective effect by enforcing against the existing marriage palaces also?

19. It appears to us that the subject policy is purposefully retroactive so as to give effect and comply with the directions issued by this Court in exercise of PIL jurisdiction. Various vital issues of paramount public importance like, public safety, congestion on roads and parking chaos created by the ''existing marriage palaces'', were the subject-matter of consideration in the cited PIL. Every direction issued by this Court, some of which are reproduced above, pertains to the existing marriage palaces only. The petitioners cannot be heard to say that these directions shall apply to future marriage palaces only. The subject-policy is not retrospective as nowhere it compels a lawfully established Marriage Palace also to seek regularization under it or to deposit the higher revised charges. The policy creates a new obligation on the marriage palaces in presents Such a restriction though have the effect of relating back to a date prior to the issue of policy notification but for all intents and purposes, it is retroactive only. The past illegalities committed by the petitioners in setting up unauthorized marriage palaces fall within the sweep of the policy and such illegalities can be regularized subject to the petitioners'' compliance of the conditions prescribed therein.

20. There is a clear distinction between a law being enforced retrospectively and a law that operates retroactively. Such a distinction has been explained and illustrated by Supreme Court in a catena of decisions including NK Bajpai v. Union of India, 2012(3) R.C.R.(Civil) 459 : (2012) 4 SCC 653, holding that where a restriction has the effect of relating back to a date prior to the praesenti, the law stricto sensu would not be retrospective but would be retroactive and that it is not for the Court to interfere with the implementation of a restriction, ''which is otherwise valid in law, only on the ground that it has the effect of restricting the rights of the people who attain that status prior to the introduction of the restriction".

21. However, in all fairness we may also deal with the contention on merits as well. The expressions ''By-pass'', ''Controlled Area'', ''Road Reservation in relation to a

Scheduled road'' & ''Scheduled Road'' are defined u/s 2(3), (5), (9) & (10) of the 1963 Act. Section 3 of the 1963 Act, in no uncertain terms, prohibits erection or re-erection of any building within 100 mtrs. on either side of a road reservation of bypass or within 30 mtrs. on either side of road reservation of any scheduled road not being bypass except those saved under its proviso. Section 4 of the Act empowers the State Government to notify the ''controlled area'' and if so notified, Section 6 of the Act prohibits erection or re-erection of any building in the ''controlled area'' also. The facts and figure produced before this Court in the PIL jurisdiction reveal that in Patiala district alone there were 92 marriage palaces situated outside the municipal limits (where the 1963 Act applies) and only 10 of them had obtained No Objection Certificates. Large scale marriage palaces were thus constructed abutting the roads regulated under the 1963 Act without obtaining prior permission of the competent authority.

22. The 1963 Act has been repealed by virtue of Section 183(1)(i) of the 1995 Act. However, Section 143 of the 1995 Act also prohibits erection or re-erection of building within a distance of 150 mtrs. on either side of road reservation of a bypass or within a distance of 50 mtrs. on either side of road reservation of any scheduled road not being a bypass.

23. Additionally, Section 56 of the 1995 Act empowers the State Government to declare any area in the State to be a ''regional planning area'', a ''local planning area'' or a site for new town. After such declaration, a Regional Plan is to be prepared and notified under the provisions contained in Chapter IX of the Act. On the basis of the Regional Plan, Master Plan of such area is required to be prepared by the Designated Planning Agency. Section 79 of the 1995 Act then mandates that after the Master Plan of any area comes into operation, no person can use any land or carry out any development in that area otherwise then in conformity with such Master Plan. Section 80 further mandates that there can be no change of use of any land within the area of the Master Plan without permission and without payment of Development and Betterment Charge. The procedure to accord permission is prescribed u/s 81 of the Act. The penal consequences of breach of the afore-stated provisions are also prescribed.

24. For the effective implementation of the legislative scheme of 1995 Act, Punjab Urban Planning and Development Authority (Building) Rules, 1996 have been formulated in exercise of the powers conferred by Section 180 of the 1995 Act and notified on 27th July, 1996. These Rules have been made applicable ''to all areas in the State of Punjab, except those falling within the notified limits of any Municipal Corporation, or any Municipal Council or Nagar Panchayat. or the local limits of the jurisdiction of the Cantonment Board." vide notification dated 20th January, 2005. Even before this, the 1996 Rules were applicable to the controlled area declared u/s 4 of the 1963 Act by virtue of Rule 3(iii) of these Rules.

25. The statutory scheme contained in the two sets of Legislations read with the Rules framed under the 1995 Act unveil that no building could be erected or re-erected abutting the roads covered under the 1963 Act or even the land beyond such roads after the 1995 Act came into force. The marriage palaces abutting the ''roads'' within the meaning of 1963 Act or in an ''area'' regulated under the 1995 Act, if constructed after these Acts came into force, as the case may be, thus have been rightly categorized as unauthorized and unlawful constructions for want of requisite permissions from the prescribed authorities under the Act(s).

26. The petitioners'' contention that development charges or various fees are not leviable as no amenities are provided to them on quid pro quo basis, is devoid of any substance and merits outright rejection. All the marriage palaces are abutting National or State Highways, scheduled roads or local roads. They draw business only because of their connectivity to main roads. In the absence of any facts and figures which the petitioners have not brought on record, it is difficult to know as to how many of these are using water supply from State canals or water supply system. Assuming they don''t use either, the ground water is not their personal property. There are innumerable allied burdens also put on the State Exchequer by the activities of marriage palaces like maintenance of law and order, traffic control, monitoring by pollution controlling agencies etc. It is thus totally farce to say that they are being asked to pay hefty charges or fee without any services in lieu thereof.

27. As regard to the petitioners'' grievance against prescription of 50% of the plot area for ''parking'', learned State counsel clarified that the petitioners have misconstrued the said provision as they are only required to spare 50% of the gross area for parking which may include a multi-level parking as also the basement parking. The petitioners are not required to leave half of their land for ''parking'' as they may provide dedicated parking area equivalent to 50% of their gross area may be through the multi-level parking etc.

28. The petitioners also made a futile effort to bring ''marriage palaces'' within the purview of notification dated 21st August, 2013 whereunder unauthorized colonies and the plots/buildings falling within those colonies are to be regularized. The marriage palaces do not fall within the framework of the said policy as its preamble clearly spells out that its object is to regularize only the unauthorized residential colonies and the plots/buildings falling within the area of such colony. Clause (2) of the policy defines ''Unauthorised Colony'' to mean ''a colony which has been developed in contravention of the provisions of the Punjab Apartment and Property Regulation Act, 1995 and the Rules framed thereunder''. Clause 3.B of the Policy expressly says that ''this policy shall not be applicable to the unauthorized marriage palaces for which the Government has already notified a separate policy''. Similarly, the petitioners can draw no mileage out of the rates prescribed for regularization of unauthorized colonies as those are in keeping with the sizes of residential plots and the fact that most of their owners belong to marginalized section of the society.

There can be no parity between commercial establishments like ''marriage palaces'' and the unauthorisedly-constructed residential houses.

29. The contention that imposition of CLU/EDC charges or fee etc. amounts to unreasonable restriction on the business activities of the petitioners too, has no legal basis or factual backup. It needs no elaborate discussion that the petitioners shall pass on the burden of statutory charges or fee on to the net-end consumers without any additional ceiling on their hefty income. Assuming that they would share a part of this burden, yet the regulatory measures initiated by the State Government squarely fall within the well defined connotation of ''reasonable restrictions''.

30. It is by now well settled in a catena of decisions that the Courts should not generally interfere with the policy decisions so long as it does not infringe the fundamental rights or transgresses statutory powers. The guiding principles laid down from time to time have been briefly summed up in a recent decision in Brij Mohan Lal v. Union of India, 2013 (1) S.C.T. 633 : (2012) 6 SCC 502, illustrating that court''s interference in the policy decisions of the State may be justified-

(I) If the policy fails to satisfy the test of reasonableness, it would be unconstitutional.

(II) The change in policy must be made fairly and should not give an impression that it was so done arbitrarily with any ulterior intention.

(III) The policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc.

(IV) If the policy is found to be against any statute or the Constitution or runs counter to the philosophy behind these provisions.

(V) It is dehors the provisions of the Act or Legislations.

(VI) If the delegate has acted beyond its power of delegation.

31. The petitioner-Marriage Palace, in CWP No. 25433 of 2012, has made an additional submission against the classification of zones into three categories, namely, (i) within the Municipal limits; (ii) outside the Municipal limits; and (iii) outside the Municipal limits within 15 kms. The petitioner-Marriage Palace was constructed in the year 2001 and is located near Amritsar city though it appears to be outside the Municipal limits but within 15 kms. of such limit. The petitioner wants the merger of categories No. (ii) & (iii) stated above so that it is not required to pay the higher charges prescribed for those falling within category-(iii). We have already held that EDC/CLU charges have been prescribed by the State Government keeping in view various relevant factors including the value and potentiality of land and the expected multiple utilities of the building. The rationality behind division of ''marriage palaces'' located outside the municipal limits into two categories appears

to be on the premise that the value and potentiality of the land or usages of a marriage palace located just outside the municipal limits or the one far away in a rural area, would definitely be varying. Such a distinction has its own logic and weightage. Even if there were a second view possible, yet no interference in the subject policy is called for as it offends no provision of the Constitution or of a Statute. Contrarily, the petitioners'' contention is an attempt to create equality amongst two un-equals. We therefore, find no merit in this additional submission as well.

32. For the reasons afore-stated, we uphold the notification dated 16th November, 2012 as modified vide subsequent notification 07.01.2013 and consequently dismiss these writ petitions. However, in view of the fact that the petitioners were agitating the matter before this Court, we direct the respondents to permit the petitioners to seek regularization of their marriage palaces as per the amended policy dated 07.01.2013 within a period of one month from the date of receipt of a certified copy of this order.