

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.16151 of 2001(O&M)
Date of decision:11.2.2015

Babban Jaidi

....Petitioner

VERSUS

Haryana Urban Development Authority and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: None for the petitioner.

Mr. Lokesh Sinhal, Additional Advocate General,
Haryana for respondents.

HEMANT GUPTA, J.(Oral)

The petitioner claims to be a lessee of Mrs. Sheela Malhotra who was allottee of Shop No.93, Sector 15, Panchkula. She was allotted such booth for the reason that she was carrying on business in the residential premises.

The grievance of the petitioner is that he is the tenant inducted by Mrs. Sheela Malhotra but the respondents have sealed the premises for the reason that the allottee has failed to make the payment of rent to the Haryana Urban Development Authority (for short 'HUDA').

The petitioner relies upon CWP No.12368 of 2001 titled Narinder Aggarwal v. Haryana Urban Development Authority, Panchkula and others, decided on 07.10.2013, wherein there was an order of protection against dispossession. The said writ petition was preferred by the allottee.

The petitioner, a tenant under the allottee, has invoked the writ jurisdiction of this Court without impleading the allottee as a party respondent. There is no interim order granted to protect the possession of the petitioner. Still further, if the premises are sought to be sealed in pursuance of the provisions of the Haryana Urban Development Authority Act, 1977, the petitioner has an effective remedy against such action before the statutory authorities.

Since the petitioner has not availed any statutory remedy nor has any parity with the matter referred to by the petitioner, we do not find that any case is made out for grant of any writ against the sealing of the premises.

In view of the above, we do not find any merit in the present writ petition. The same is dismissed.

(HEMANT GUPTA)
JUDGE

FEBRUARY 11, 2015
‘D. Gulati’

(HARI PAL VERMA)
JUDGE