IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.18033 of 2001(O&M)
Date of decision:13.2.2015

Rajesh Kumar ….Petitioner

VERSUS

State of Haryana 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 respondent No.1.

Mr. Gunjan Mehta, Advocate for respondent No.5.

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HEMANT GUPTA, J.(Oral)

The petitioner claims to be a lessee of Mr. Kailash Bhann (respondent No.5) who was allottee of Booth Site No.26, Sector 11, Panchkula, who was allotted such booth for the reason that he was carrying on business in the residential premises.

The grievance of the petitioner is that he is the tenant inducted by Mr. Kailash Bhann 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, a tenant under the allottee, has invoked the writ jurisdiction of this Court contending that he is paying rent regularly to his landlord but the consequences of default of allottee should not fall on him.

In CWP No.16151 of 2001 titled Babban Jaidi v. Haryana Urban Development Authority and others, decided on 11.2.2015, a similarly situated lessee invoked the writ jurisdiction of this Court

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wherein the reliance was placed upon CWP No.12368 of 2001 titled Narinder Aggarwal v. Haryana Urban Development Authority, Panchkula and others, decided on 07.10.2013. In the aforesaid case, there was an order of protection against dispossession whereas, there is no interim protection granted to the petitioner.

In the written statement, the stand is that respondent No.5 could not transfer any right in the property by sale, gift or mortgage till the full price is paid to the authority and that respondent No.5 had not sought any permission from the authority before creating tenancy in favour of the petitioner.

The petitioner has invoked the writ jurisdiction of this Court against the show cause notice calling upon the petitioner to vacate the premises without submitting any reply to the same. An order passed thereafter would confer right on the petitioner to seek the remedy of appeal as well.

In view thereof, we do not find any reason to interfere against the show cause notice.

Consequently, the present writ petition is dismissed with liberty to the petitioner to take recourse to the remedies provided in accordance with law.

(HEMANT GUPTA)
JUDGE

FEBRUARY 13, 2015 **(HARI PAL VERMA)**
'D. Gulati' **JUDGE**

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