

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.13629 of 2014

Date of Decision: November 20, 2015

Sahab Dayal Singh

....Petitioner

versus

Chief Administrator, Greater Area Mohali Development
Authority and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr.Sukhwinder Singh Sudan, Advocate, for
Mr.Pankaj Bhardwaj, Advocate, for the petitioner.
Mr.Ashish Grover, Advocate, for the respondents.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner is an ex-serviceman who served the Indian Air Force for about 21 years. He was allotted a booth on lease-hold basis in Phase-VII, Sector-61, SAS Nagar Mohali in the year 1993-94 to run STD/PCO. However, with the enforcement of new Telecom Policy, the business of STD/PCO became un-viable. The petitioner also shifted to the business of photostat.

[2] The said booth has been demolished by the respondent-authorities in the year 2014 in public interest as it was causing hindrance in to-and-fro movement of the customers of the Show-Rooms which were sold in public auction. The petitioner resultantly lost the source of his livelihood and being aggrieved has approached this Court.

[3] When this writ petition came up for preliminary hearing on 17.07.2014, we declined to entertain the

petitioner's claim for re-construction of booth as such a prayer would have been detrimental to the interest and convenience of general public. An individual's interest in such like situation must pave weigh for the larger public interest. However, we called upon the authorities to explore the possibility of allotting an alternative booth to the petitioner on lease-hold basis.

[4] Heard learned counsel for the parties.

[5] Though the written statement filed by the respondents is silent in respect of existence of any Rehabilitation Policy for a lessee like the petitioner who was evicted as the subject-booth had to be demolished in public interest, none-the-less we find that the petitioner is an ex-serviceman and is surviving only on a meager amount of pension. There can possibly be no impediment against consideration of the petitioner's request for leasing-out some other booth in a functional commercial area to him, subject to such reasonable terms and conditions as may be determined by the Competent Authority. It shall be appreciated if the petitioner's claim is considered sympathetically and an appropriate decision is taken within a period of three months from the date of receiving a certified copy of this order.

Ordered accordingly. Dasti.

[SURYA KANT]
JUDGE

November 20, 2015
mohinder

[HARI PAL VERMA]
JUDGE