

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 14775 of 2015

Date of Decision: 23.7.2015

Upkar Singh

....Petitioner.

Versus

Union of India and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MRS. JUSTICE REKHA MITTAL.**

PRESENT: Mr. Sandeep Arora, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondent No.2 to transfer the ownership of booth No.40, Sector 43-A, Chandigarh in his favour as the original allottee, namely, Kuldeep Chand to whom the said booth was allotted vide allotment letter dated 14.6.2004 had expired. The said booth is not being transferred in favour of the petitioner inspite of his being the sole legal heir of late Shri Kuldip Chand alias Kuldeep Singh consequent to Will dated 2.2.2012.

2. The uncle of the petitioner, namely, Shri Kuldip Chand @ Kuldeep Singh was allotted booth No. 40, Day Market, Sector 43-A, Chandigarh vide allotment letter dated 14.6.2004 (Annexure P-1). Said Kuldeep Chand had died unmarried and issueless on 10.2.2012, who due to love and affection and the services rendered by the petitioner, had

executed a Will dated 2.2.2012 (Annexure P-3) in his favour during his life time. The petitioner had moved an application to the concerned authorities for the transfer of booth in question in his name along with required documents, Annexures P-5 to P-9, respectively, but to no effect. Thereafter, the petitioner made a representation dated 3.6.2015 (Annexure P-10) to respondent No.2 for transfer of the booth in question, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved representation dated 3.6.2015 (Annexure P-10) to respondent No.2, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.2 to take a decision on the representation dated 3.6.2015 (Annexure P-10), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a period of three months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

July 23, 2015
gbs

(REKHA MITTAL)
JUDGE