

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

CWP-25853-2015

Date of decision:- 10.12.2015

Shera Khanna

...Petitioner

Versus

Chandigarh Administration and others

...Respondents

CORAM: HON'BLE MR. JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Rakesh Bhatia, Advocate,
for the petitioner.

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S.J. VAZIFDAR, A.C.J. (ORAL)

The impugned order cannot be faulted. Despite two opportunities, the petitioner was unable to establish that he was in fact operating the license himself and that he had not permitted one Tarlok Singh to operate the license from the earlier location on rent.

2. The Deputy Commissioner has referred to six visits of the Tehsildar in different months which indicates that the petitioner was himself not at site. The impugned order was passed on 23.08.2012.

3. From what is stated above, it appears that the petitioner is unfortunately in a very poor state of health. He states that he was unable to defend himself properly when the impugned order was passed and that his health is now improving. However, as noted in the impugned order passed on 23.08.2012, the petitioner was unable to furnish any evidence, documentary or otherwise, to establish that he was actually doing business at his rehri.

4. If the petitioner was unable to defend himself effectively on account of his poor health, it is for him in the first instance to approach the authorities with any further evidence that he may have obtained or that he may hereafter obtain and which he could not obtain earlier due to his ill health. It is only in the event of the license being restored that the petitioner would be entitled to make an application for allotment of a booth.

In the event of the petitioner making an application for fresh/further orders, the Deputy Commissioner shall consider the same.

5. The writ petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

10.12.2015
Amodh