

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 7477 of 2015

Date of Decision: 23.4.2015

Shish Pal @ Shishu Pal

....Petitioner.

Versus

State of UT, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Liqat Ali, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. Through the instant 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.4 to decide the matter regarding the allotment of booth to him in rehri market, Sector 18, Chandigarh and also to decide the legal notice dated 12.10.2014 (Annexure P-8) sent by him to the respondents.

2. The petitioner is a holder of valid Hand Cart Licence No.1228, Registration No. 363, Rehri Market, Sector 18, Chandigarh allotted to him in the year 1979-80 and since then has been regularly doing the work at the allotted site. In the year 1991, he was allotted the provisional identity card (Annexure P-1) for the allotment of a booth. The petitioner deposited a sum of ₹ 3000/- vide bank draft dated 23.3.1991 as earnest money for the construction of the booth as demanded by the respondents vide letter dated 13.3.1991 (Annexure P-2). In October,

2005, the applications were invited for the allotment of built up booth in the Rehri Market, Sector 18, Chandigarh and the petitioner being eligible, submitted his application within the prescribed time. In pursuance thereto, public notice was issued on 21.6.2007 and the petitioner appeared before the screening committee held at Community Centre, Sector 8, Chandigarh. Again vide letter dated 3.7.2008 (Annexure P-4), the petitioner was asked to appear before the screening committee on 27.5.2008 but the meeting was later on cancelled. Thereafter vide public notice dated 26.11.2008, the petitioner was again asked to appear before the screening committee on 4.12.2008. The petitioner appeared before the screening committee on 4.12.2008. Thereafter, vide letter dated 18.2.2014 (Annexure P-6), the petitioner was asked to appear before screening committee which he did so. However, till date no action has been taken for the allotment of a booth. The petitioner made a representation dated 31.8.2010 to the respondents for the allotment of a built up booth in Sector 18 Rehri Market, Chandigarh but to no effect. Thereafter, the booths were allotted to the similarly situated persons in the year 2006. The petitioner sent a legal notice dated 12.10.2014 (Annexure P-8) to the respondents for the allotment of a built up site/booth in Sector 18 Rehri Market, Chandigarh but no response has so far been received. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a legal notice dated 12.10.2014 (Annexure P-8) to the respondents, 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.4 to take a decision on the legal notice dated 12.10.2014 (Annexure P-8), 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

April 23, 2015
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(REKHA MITTAL)
JUDGE