

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

CWP No. 8746 of 2009 (O&M)

Date of decision : 8.2.2016

Ashwani Kumar

.. Petitioner

versus

Additional Commissioner,
Municipal Corporation, Chandigarh and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Gurcharan Dass, Advocate, for the petitioner.

Ms. Deepali Puri, Advocate, for respondent nos. 1 and 4.

Rajesh Bindal, J.

Challenge in the present petition is to the order dated 26.3.2009, passed by the Additional Commissioner, Municipal Corporation, Chandigarh, vide which the tenancy of shop no.3, Panchayat Market, Village Kajheri, U. T. Chandigarh, was cancelled and the security deposited by the petitioner was forfeited.

Learned counsel for respondent nos. 1 and 4 at the very outset submitted that the impugned order was passed under Section 8 of the Capital of Punjab (Development and Regulation) Act, 1952, and the statutory appeal against the impugned order is maintainable before the Chief Administrator under Section 10 thereof. The petitioner should have availed of that remedy.

Learned counsel for the petitioner submitted that the petitioner had initially filed appeal against the impugned order to the Commissioner, Municipal Corporation, Chandigarh, which was returned.

After hearing learned counsel for the parties, in my opinion, the present writ petition can be disposed of by giving liberty to the petitioner to avail of his appropriate remedy of appeal before the Chief Administrator. In case, the appeal is filed within a period of 30 days from today, it shall be decided on merits and shall not be dismissed only on the ground of delay.

Till such time the application for stay filed along with the appeal is decided,
the petitioner shall not be evicted from the shop in dispute.

Ordered accordingly.

8.2.2016
vs

(Rajesh Bindal)
Judge