

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 4461 of 2010
Decided on 28.3.2016**

Union Territory of Chandigarh, through its Estate Officer

--Petitioner

Vs.

Permanent Lok Adalat (P.U.S) and another

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. P.S Dhaliwal, Advocate, for the petitioner

Mr.Aman Bahri, Advocate, for respondent No.2

Rakesh Kumar Jain,J: (Oral)

This petition is filed by Union Territory of Chandigarh against the order dated 25.5.2009 passed by the Permanent Lok Adalat (Public Utility Services) by which a direction has been issued to the petitioner to allot a built up booth to respondent No.2 as per the scheme.

Shorn of unnecessary details, the issue involved in this case is as to whether respondent No.2 is entitled to a built up booth in any Sector in terms of Rule 5 (a) of Allotment/Transfer of Built up booths in any Sector on Lease/Higher Purchase Basis in Chandigarh Rules,1991 (in short the Rules).

Learned counsel for the petitioner has submitted that if hand

cart licence is not renewed after 31.3.1991, respondent No.2, would not be entitled for allotment of a booth under the said Rules. In this regard, he has relied upon a Division Bench judgment of this Court in the case of **Ramesh Kumar Vs. Union Territory, Chandigarh and others** decided on 29.1.2016 (CWP No. 16788 of 2000) in which after considering Rule 5 (a) of 1991 Rules, it has been held that if a valid hand cart licence is not renewed after 31.3.1991, then the claim for allotment of a built up booth cannot be acceded to.

Conceded position at this stage is that respondent No.2 is not in possession of any renewed hand cart licence after 31.3.1991.

In view thereof, the aforesaid judgment of this Court in the case of **Ramesh Kumar** (Supra) is applicable on all force to the facts and circumstance of the present case.

Hence, the order passed by the Permanent Lok Adalat (Public Utility Services) is totally illegal.

Consequently, this petition is allowed and the impugned order is hereby set aside.

28.3.2016
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(Rakesh Kumar Jain)
Judge