

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-19901-2016

Date of decision: 24.09.2016

Jagjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. Aman Dhir, Advocate for the petitioner.

RAMENDRA JAIN, J.

1. By way of filing the present petition under Articles 226/227 of the Constitution of India, the petitioner has laid challenge to the resumption order dated 23.08.1988 (Annexure P-1) and eviction order dated 16.04.1999 (Annexure P-4) passed by respondent No. 4 qua booth No. 46, Phase-I, SAS Nagar, Mohali. Further, challenge has also been laid to the subsequent orders dated 11.08.1999 and 27.08.2015 (Annexures P-5 and P-6, respectively) whereby the appeal and revision filed by the petitioner against the aforesaid eviction order Annexure P-4 were dismissed.

2. Put pithily, the petitioner had purchased Booth No. 46, Phase-I, SAS Nagar, Mohali in an open auction dated 07.07.1987 for an amount of ₹ 2,70,000/-. On the basis of the report of the field staff of the

booth without demarcation and illegally constructed the basement in the booth, a show-cause notice dated 04.07.1988 was issued to her seeking the reason for violation of the terms and conditions of the allotment letter. However, the petitioner did not respond to the same, resultantly, another notice was sent to her on 16.08.1988. Accordingly, the petitioner appeared before the respondent No. 4. After hearing the petitioner and finding her stand to be not genuine, the aforesaid booth of the petitioner was resumed vide order 23.08.1988 (Annexure P-1). Aggrieved with the same, the petitioner preferred an appeal before respondent No. 3 which was dismissed in limine on the ground of limitation vide order dated 24.10.1996. Thereafter, the petitioner preferred a revision before respondent No. 2 which too was dismissed vide order dated 04.02.1997 (Annexure P-2). The petitioner further preferred a review petition against the order Annexure P-2 which was also dismissed vide order dated 19.08.1997 (Annexure P-3). Consequently, respondent No. 4 issued eviction order dated 16.04.1999 (Annexure P-4) directing the petitioner to hand over the possession of aforesaid booth. The petitioner assailed the aforesaid eviction order by filing an appeal before respondent No. 3 which was dismissed vide order dated 11.08.1999 (Annexure P-5). Thereafter, the petitioner preferred a revision petition in the year 2013 challenging the resumption order Annexure P-1 passed by respondent No. 4 and also the order dated 24.10.1996 passed by respondent No. 3 which was dismissed vide order dated 27.08.2015 (Annexure P-6) on the ground that the earlier revision petition of the petitioner against the aforesaid resumption order had already been dismissed vide order Annexure P-3, therefore, the present revision petition against the eviction order passed by respondent No. 4 after a long

delay of about 14 years was barred by limitation. Hence, the present writ petition.

3. Learned counsel for the petitioner contended that the violation qua construction of basement had already been removed and, therefore, the resumption and eviction orders impugned herein are bad in law. The petitioner has no other source of income except the booth in question for her livelihood.

4. After giving our thoughtful consideration to the submissions made by learned counsel petitioner, we find no merit in the instant petition for the reasons that the petitioner did not challenge the resumption order Annexure P-1 since the last 18/19 years by way of any writ petition, even after the dismissal of her appeal and revision in the years 1996 and 1997. By awakening out of a great slumber after 19 years, the petitioner has now filed the present writ petition primarily against the eviction order Annexure P-4 after the dismissal of her revision which in our considered opinion is hopelessly time barred. We have gone through the impugned orders and find no illegality or perversity in the same. The delay and laches on behalf of the petitioner completely disentitles her for any relief.

5. Dismissed.

(RAMENDRA JAIN)
JUDGE

September 24, 2016
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(AJAY KUMAR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No