

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 22270 of 2016

Date of Decision: 25.10.2016

Shiv Kumar

....Petitioner.

Versus

Union Territory, Chandigarh and others

...Respondents.

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

PRESENT: Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ 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 respondents No.5 to 7 to transfer the licence of site No.6, Rehri Market, Sector 39, Chandigarh in favour of the petitioner which he applied in the year 2008 after the death of his grandmother. Further, a direction has been sought to respondents No.5 to 7 not to demolish the booth of the petitioner and to decide his representation dated 8.7.2016 (Annexure P-3).

2. In the year 1991, the Chandigarh Administration had advertised a scheme for the allotment of booth. Under the said scheme, the grandfather of the petitioner, namely, Jai Ram was allotted the booth under the Hawker Licence No.734. After his death, the same was transferred in the name of his wife, namely, Pushpa Rani and since then the petitioner along with his

grandmother was doing the business of General Store. The grandmother of

the petitioner expired on 28.1.2008 and after her death, the petitioner applied for the transfer of Hawker Licence No. 734 in the year 2008. However, the case of the petitioner was rejected by respondent No.7 on the ground that he is not the legal heir of deceased Pushpa Rani. The petitioner filed an appeal before respondent No.1 who exercising the power of the Chief Administrator, UT, Chandigarh allowed the appeal vide order dated 10.9.2010 (Annexure P-1) and remanded the matter to respondent No.7 for passing the fresh order after considering the claim of the petitioner being the legal heir of deceased Pushpa Devi. In pursuance thereto, the petitioner approached respondent No.7 and the Assistant Estate Officer vide order dated 2.2.2010 (Annexure P-2) held that the case of the petitioner would be considered for the allotment of booth subject to transfer of licence as per the final decision of the Administration. However, no action was taken thereon. Accordingly, the petitioner moved a representation dated 8.7.2016 (Annexure P-3) to respondent No.7 for transfer of Site No.6, Rehri Market, Sector 39, Chandigarh in his favour, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has moved a representation dated 8.7.2016 (Annexure P-3) to respondent No.7, 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.7 to take a decision on the representation dated 8.7.2016 (Annexure P-3), in accordance with law by passing a speaking order and after affording an

opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

October 25, 2016
gbs

(RAMENDRA JAIN)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No