

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.3577 of 2016 (O&M)
DATE OF DECISION: 23.02.2016

Sher Chand Khatri and another

....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Pankaj Bali, Advocate for the petitioners

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S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral):

The petitioners are unable to establish the basis on which they make a claim for a larger shop than the one that was allotted to them 12 years ago.

2. The petitioners merely base their claim on the ground that another party, who was allegedly similarly situated, was allotted a larger shop in the year 2014. It is, however, necessary for the petitioners, in the first instance, to establish their entitlement. There is nothing on record to even suggest that the petitioners are similarly situated as the other party. However, even assuming that the petitioners are similarly situated, that by itself would not entitle the petitioners to a larger shop, if, for instance, it is established that the allotment to the third party was wrongful.

3. Further, these are issues which must be decided in the first instance at least by the respondents. The petitioners are

always at liberty to make an application to the respondents after furnishing all necessary particulars.

Needless to add that the respondents would deal with the matter on its own merits taking into consideration all the factors including the fact that the petitioners had accepted unconditionally the shop that was allotted to them and had not raised any grievance in respect thereof for the past 12 years.

4. The petition is accordingly disposed of.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

23.02.2016
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(ARUN PALLI)
JUDGE