

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.6727 of 2015

Date of Decision:-22.01.2016.

Sukhbir Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Anil Kshetarpal, Senior Advocate with
Mr. Maninder Singh Saini, for the petitioner.

Mr. Rajesh Bhardwaj, Additional A.G. Punjab.

Mr. A.S. Virk, Advocate for
Mr. P.S. Thiara, Advocate for
respondent No.3.

Mr. V.K. Kaushal, Advocate for
respondent Nos.7 to 12.

SURYA KANT, J. (ORAL)

1.) The petitioner's father was carrying on business as a tenant in the shop owned by Shiromani Gurudwara Parbandhak Committee (for short 'SGPC') within the Golden Temple Complex at Amritsar. It appears that after the death of his father, the petitioner continued with the business and has been paying rent to the SGPC.

The area where the shop was located is now part of the Galiara Project undertaken by the SGPC for beautification, widening and expansion of Shri Harmandar Sahib Golden Temple Complex. Notwithstanding the fact the relationship of landlord-tenant was between the petitioner and SGPC, the State Government persuaded the Amritsar Development Authority to provide alternative accommodation to the affected tenants. The said Authority constructed a New Plaza in which the petitioner has been offered shop No.15 which is stated to be measuring 174 square yards feet. The previous tenanted shop of the petitioner's family was of slightly bigger size. It is in this backdrop that the petitioner seeks a direction to shift him from shop No.15 to the area shown as 'Reserved' in the site plan appended with the writ petition.

2.) It is not in dispute that the shops have been allotted to the affected tenants by way of draw of lots. We have seen the site-plan. The petitioner appears to be the fortunate one who has got one of the biggest sized shop in the New Plaza. It may be true that the area shown as 'Reserved' is still lying unallotted but in the absence of any enforceable or indefeasible right in law, we are sure that no writ of *mandamus* can be issued to direct the Authority to allot that vacant site to the petitioner. That apart, if such a recourse is adopted it will open pandora's box as other allottees too will ask for allotment of their choice. In these circumstances, we find no ground to interfere with the decision or the manner adopted by the Amritsar

Development Authority.

3.) Dismissed.

4.) Faced with this learned counsel for the petitioner points out that allotment of shop No.15 has also been cancelled only on the plea that the petitioner has approached this Court. Such a recourse, if adopted by the Authorities, cannot be countenanced. The petitioner or any other citizen has a right to approach the Court of Law and it cannot be taken as ground for cancellation of allotment. We thus, direct that if the allotment of shop to the petitioner in the New Plaza has been cancelled only because he has filed this petition and not for any other lawful disability, then the allotment shall be restored forthwith.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

January 22, 2016.

sandeep sethi