

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Civil Writ Petition No.9210 of 2014

Date of Decision 17- May, 2016

Subhash Chand Kohli

..Petitioner

versus

Chandigarh Housing Board, Chandigarh through

its Chairman and others.

..Respondents

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

**Present: Ms. Paramjit Kaur Deol, Advocate,
for the petitioner.**

**Mr. Vishal Sodhi, Advocate,
for respondents no.1 to 3.**

**Mr. Deepak Sharma, Advocate,
for respondent nos. 4 and 5.**

- 1. Whether reports 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?**

ARUN PALLI, J.

A writ in the nature of certiorari is prayed for, to quash the orders, dated 31.07.1995 (Annexure P-3) vide which tenancy in respect of service booth no.1, Sector 40-A, Chandigarh, was terminated, dated 24.09.2009 (Annexure P-5), whereby the appellate authority dismissed the appeal against

the said order, as also, dated 17.04.2013 (Annexure P-7) vide which the revisional authority dismissed even the revision preferred by the petitioner.

Booth No.1, Sector 40-A, Chandigarh, was leased out to the petitioner, Shri Subhash Chand Kohli, for a period of 05 years commencing from 01.01.1979 at a monthly rent of Rs.250/-. In terms of clause 19 of the lease deed, dated 07/09-02-1979, executed by the parties, petitioner was required to surrender possession on termination of the lease period. Whereas, he continued to occupy the premises even after 30.11.1983, and instead, prayed for extension of lease for a period of 10 years, vide his representation dated 25.11.1983. The request was not acceded to. Though, subsequently, the Board decided to re-allot the premises to the petitioner for a period of 91 years at a premium of Rs.86,000/- and subject to clearance of all the outstanding dues. Neither did the petitioner execute a fresh lease deed nor cleared the dues. Faced with this, the Board terminated the tenancy vide order dated 31.07.1995, on account of non-payment of monthly rent. For, the petitioner continued to be in occupation, once again, the Board, in its 278th meeting, held on 27.08.2001, decided to allot the premises to the petitioner at a premium of Rs.8.07 lacs. Significantly, it was at this stage, after almost 12 years, petitioner assailed the order, dated 31.7.1995 (Annexure P-3), terminating the tenancy, by way of an appeal. However, for, an amount of Rs.26,71,923/- was

outstanding upto 30.06.2010 against the petitioner, he conceded before the Authorities that he was unable to clear the dues. Resultantly, the appeal was dismissed. Even the second appeal filed by the petitioner was dismissed by the Board, vide its order dated 19.7.2010. And so was the fate of the revision preferred by the petitioner before the Advisor to the Administrator, Union Territory, Chandigarh.

Ex facie, the premises was leased out to the petitioner for a period of 05 years commencing from 01.01.1979 to 30.11.1983. Concededly, post expiry of the period of lease, neither the lease was renewed nor extended. Thus, the petitioner has been in unauthorised possession of the premises. Records show that even the revisional authority afforded yet another opportunity to the petitioner to clear the dues:

“... During the course of arguments, the counsel for the petitioner was asked again if the petitioner is ready to clear the outstanding dues but he showed his inability to do so. I have, therefore, no option but to dismiss the present petition being devoid of merits.”

But to no avail. Learned counsel for the petitioner could not point out as to how any of the orders that have been assailed, suffered from any illegality.

That being so, we are dissuaded to interfere with discretion that has been exercised by the authorities, particularly in exercise of extra-ordinary writ jurisdiction under Article 226 of the Constitution of India. The petition, being devoid of merit is, accordingly, dismissed.

**(S.J.VAZIFDAR)
ACTING CHIEF JUSTICE**

**(ARUN PALLI)
JUDGE**

**17- May, 2016
VK**