

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

CWP No.12449 of 2016 (O&M)

Date of decision:-09.10.2017

Ram Ditta

.. Petitioner

vs.

State of Haryana and others

.. Respondents

Coram: **HON'BLE MR.JUSTICE S.J.VAZIFDAR,CHIEF JUSTICE
HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

Present:- Mr. Jagdish Manchanda, Advocate
for the petitioner.

Mr. Deepak Balyan, Addl. A.G. , Haryana.

Mr. Sandeep Moudgil, Advocate
for respondents No.2 and 3.

S.J. VAZIFDAR, CHIEF JUSTICE

According to the petitioner, he is entitled to the premises in lieu of the premises from which he allegedly carried on business as tea vendor.

The petitioner has earlier filed CWP No.12273 of 2015, which by judgment and order dated 01.10.2015, was disposed of in terms of CWP No.12215 of 2015, which was in the case of Pardeep Kumar @ Bunty Vs. State of Haryana and others. Pardeep Kumar's (supra) was disposed of by a judgment and order of the same date i.e. 01.10.2015 to which one of us (S.J. Vazifdar, C.J.) was a member, in which the petitioner was directed to take out appropriate proceedings and avail of other remedies as may be available in accordance with law.

The petitioner chose to send a legal notice/representation dated 12.11.2015 (Annexure P-9) in support of his claim, which has not been responded to till today. It is pointless at this stage to merely direct the

Chairman/Commissioner, Improvement Trust, Karnal to respond to the aforesaid legal notice.

Learned counsel appearing for respondents No.2 to 4 states that the authority who is to consider the legal notice is the Municipal Corporation through its Commissioner/ Executive Officer-respondent No.3.

The petition is, therefore, disposed of by directing respondent No.3 to decide the petitioner's legal notice dated 12.11.2015 (Annexure P-9). It is clarified that all the issues have to be considered and not merely whether a tea vendor is liable to be provided alternate premises or not. One of the questions to be considered is whether or not the petitioner was carrying out any business on the site in question at the relevant time.

We are not inclined to restrain the Market Committee from carrying out any construction on any plot as the Market Committee is not even before us. There is nothing in the writ petition which indicates as to as which exact location, the petitioner would be entitled to allotment of plot in the event of the petitioner being found to be eligible. All these issues will also be decided by the competent authority.

(S.J. VAZIFDAR)
CHIEF JUSTICE

(HARINDER SINGH SIDHU)
JUDGE

09.10.2017
Atul

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No