

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Date of Decision: March 09, 2017

1. CWP No.21000 of 2013

Ramesh Kumar

...Petitioner

Versus

The State of Punjab & others

...Respondents

2. CWP No.9682 of 2014

Ramesh Kumar

...Petitioner

Versus

The State of Punjab & others

...Respondents

**CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE**

Present: Mr.Sameer Sachdeva, Advocate,  
for the petitioner in both the cases.

Ms.Lavanya Paul, AAG, Punjab,  
for the State.

Mr.Kumar Vishav Aggarwal, Advocate,  
for respondent No.4.

Mr.Vipin Mahajan, Advocate,  
for respondent No.4 in both the cases.

Mr.Shiv Kumar, Advocate,  
for respondent Nos.5 & 6.

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**AMIT RAWAL, J. (Oral)**

This order of mine shall dispose of Civil Writ Petition bearing No.21000 of 2013, wherein the order dated 15.7.2013 (Annexure P-15) cancelling the allotment in favour of the petitioner of shop measuring 3'x13' allotted under the rehabilitation plan in Shyama Parsad Mukherjeet Market, has been challenged and Civil Writ Petition No.9682 of 2014, wherein a

writ of mandamus has been sought for directing the official respondents to apply the procedure of violation of the terms and conditions and take action against all the encroachers in accordance with law instead of adopting pick and choose policy.

Concededly, order Annexure P-15, whereby the cancellation of the allotment dated 13.9.2010 has been done, does not reflect the compliance of the principles of natural justice. Even if the petitioner was indulging into encroachment or raised the construction, in essence not adhering to the terms and conditions of the allotment, an opportunity of hearing was required to be given to him. In my view, there has not been adherence to the principles of natural justice. If at all, the Improvement Trust wanting to take action on the principles of equity or in accordance with rules, the petitioner has to be given an opportunity of hearing.

Accordingly, order Annexure P-15 in CWP No.21000 of 2013 is set-aside and the matter is remitted back to the Improvement Trust with liberty to take action in accordance with law by issuing notice to the petitioner.

As regards Civil Writ Petition No.9682 of 2014, direction is issued to the Improvement Trust to take action against against the persons, who are indulging into violation of the terms and conditions of the allotment on the principle of equity and not in isolation.

Writ Petitions stand disposed of.

**March 09, 2017**  
**ramesh**

**( AMIT RAWAL )**  
**JUDGE**

**Whether speaking/reasoned**

**Yes/No**

**Whether Reportable:**

**Yes/No**