

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-7551-2012 (O&M)

Date of Decision: March 23, 2017

Sh.Anand Jain

.....Petitioner

Versus

Union Territory of Chandigarh and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

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| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Adarsh Jain, Advocate
for the petitioner.

Mr.Suvir Sehgal, Sr.Standing counsel, UT
Chandigarh with Mr.Jaivir S.Chandail, Addl.Govt.Pleader
for respondent No.1.

Mr.P.K.Kataria, Advocate
for the respondent Nos.2 and 3.

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SURYA KANT, J.

Industrial Shed No.776, Industrial Area, Phase II, Chandigarh was allotted to Daya Shankar Pandey vide lease deed dated 20.12.1982. Daya Shankar Pandey is stated to have transferred his rights in the lease-deed in favour of the petitioner on the basis of a "Registered Will" dated 15.10.1987. As the Will was neither here nor there before the officials respondents, the lease-deed was cancelled vide order dated 04.05.2004 on the ground of non-payment of sub-letting/other charges.

after six years or so and his appeal has been dismissed by successive authorities being not maintainable. It is pertinent to submit that legal heirs of Daya Shankar Pandey were not brought on record, may be they are not aware of the punitive action taken by the respondent-authorities.

[3] The aggrieved petitioner has filed the instant writ petition challenging action of the cancellation of lease rights.

[4] After hearing learned counsel for the parties, we are satisfied that the petitioner has no locus standi to question the order of cancellation of lease rights in favour of Daya Shankar Pandey till his right to succeed Daya Shankar Pandey in respect of lease rights on the basis of alleged "Registered Will" is established in accordance with law.

[5] Faced with this, learned counsel for the petitioner states that the petitioner has now filed a probate petition on 17.03.2017 before the District Judge, Chandigarh in which legal heirs of Daya Shankar Pandey are also said to have been impleaded as party-respondents.

[6] For the reasons aforesaid, we dismiss the writ petition being not maintainable. However, liberty is granted to the petitioner to pursue the above-stated proceedings initiated in accordance with law and if his alleged right to succeed Daya Shankar Pandey in respect of lease rights qua the subject property are accepted by the competent Court, thereafter he will be at liberty to assail the orders which are subject matter of challenge in the instant writ petition.

[7] The respondent-authorities shall be at liberty to join the probate proceedings and contest the petitioner's claim. Liberty as granted to the

and laches taken by the respondents before this Court.

[8] The District Judge may see that no order prejudicial to the interest of natural legal heirs of Daya Shankar Pandey is passed without hearing them.

**(SURYA KANT)
JUDGE**

March 23, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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| 1. Whether speaking/reasoned ? | Yes/No |
| 2. Whether reportable ? | Yes/No |