

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-21639-2017

Date of Decision: 21.9.2017

Din Bandhu Dass

....Petitioner.

Versus

National Institute of Technology, Kurukshetra and another

...Respondents.

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.
HON'BLE MR. JUSTICE AMIT RAWAL.**

PRESENT: Mr. O.P. Goyal, Senior Advocate with
Mr. Piyush Aggarwal, Advocate and
Ms. Ritika Gupta, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

1. In this writ petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of mandamus directing respondent No.1 to get the confectionary shop vacated from respondent No.2 and handover the same to him.

2. Respondent No.1 floated a tender vide tender notice advertisement dated 30.5.2017 and 22.5.2017 (Annexure P-1 Colly) for running various shops/booths/canteen in its premises including a confectionary shop. In response thereto, the petitioner participated in the tender process and was declared successful. Vide allotment letter dated 21.7.2017 (Annexure P-1), shop No.8 was allotted to the petitioner. The petitioner vide letter dated 31.7.2017 (Annexure P-3) requested respondent No.1 to provide the date for occupation/handing over the possession of the

shop. Again the petitioner vide letter dated 1.8.2017 (Annexure P-4) asked respondent No.1 regarding compliance of the terms of the allotment and handing over the possession. In response thereto, respondent No.1 vide letter dated 3.8.2017 (Annexure P-5) in supersession of their previous letter of allotment dated 21.7.2017, confirmed the allotment of shop to the petitioner and asked the petitioner to get in touch with Mr. Rajesh Kumar, JE (Civil) for taking over possession. The petitioner made all necessary arrangements to start the operation of the shop in question but respondent No.2 refused to hand over the possession of the shop which was extended by respondent No.1 upto 31.8.2017. Thereafter, respondent No.2 filed a civil suit dated 23.8.2017 (Annexure P-6) before the Civil Judge (Junior Division), Kurukshetra against the petitioner and respondent No.1 seeking permanent injunction from dispossessing respondent No.2 from the shop in question. The petitioner and respondent No.1 filed their respective written statements on 31.8.2017 and 22.8.2017 (Annexures P-7 and P-8). Since the term of license of the shop of respondent No.2 expired on 31.8.2017, the petitioner vide letter dated 2.9.2017 (Annexure P-9) requested petitioner No.1 to get the shop vacated from respondent No.2, but to no effect. Thereafter, the petitioner sent a letter dated 5.9.2017 (Annexure P-10) along with copy of the order dated 31.8.2017 issued by the Civil Judge (Junior Division), Kurukshetra to respondent No.1 for getting the shop vacated from respondent No.2, but no response has been received till date. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that for the relief claimed in the writ petition, the petitioner has sent a letter dated 5.9.2017 (Annexure P-10) along with copy of the order dated 31.8.2017 issued by the

Civil Judge (Junior Division), Kurukshetra to respondent No.1, but no action has so far been taken thereon.

4. After hearing learned counsel for the petitioner, perusing the present petition and without expressing any opinion on the merits of the case, we dispose of the present petition by directing respondent No.1 to take a decision on the letter dated 5.9.2017 (Annexure P-10), in accordance with law by passing a speaking order and after affording an opportunity of hearing to the petitioner within a week from the date of receipt of the certified copy of the order.

(AJAY KUMAR MITTAL)
JUDGE

September 21, 2017
gbs

(AMIT RAWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No