

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.2800 of 2015

Date of Decision: May 22, 2017

Dalbir Singh

...Petitioner

Versus

Permanent Lok Adalat, Public Utility Services, U.T.Chandigarh & another

...Respondents

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

Present: Mr.Manu K. Bhandari, Advocate,
for the petitioner.

Mr.Vikas Bali, Advocate
for respondent No.2.

AMIT RAWAL, J. (Oral)

Petitioner is aggrieved of the impugned order rendered by the Permanent Lok Adalat constituted under the Legal Services Authorities Act, whereby his application for allotment of booth in pursuance to the policy/ rules promulgated by the Chandigarh Administration under the Allotment/ Transfer of Built up Booths in any Sector on lease/hire purchase basis in Chandigarh Rules, 1991, has been rejected.

Mr.Manu K. Bhandari, learned counsel representing the petitioner submits that the petitioner had been granted a licence to pull Handcart in the year 1987. Copy of the licence is Annexure P-1. Vide Annexure P-2, on 17.2.1988, the petitioner had submitted an application to the Finance Secretary, Chandigarh Administration for allotment of site for Rehri, whereas the Finance Secretary acknowledged and entertained the

claim of the petitioner, which is reflected from the top of Annexure P-2. There was a survey conducted in the year 1993 (Annexure P-3) in pursuance to the public notice, but the petitioner was not found, in essence he was not eligible for allotment as per 1991 Rules. However, vide Annexure P-4, the petitioner made a representation for allotment. Vide Annexure P-5, the petitioner was called upon to submit the original record/attested photocopies pertaining to HL-1503, but having failed to address any issue on the application, the petitioner was constrained to approach the Permanent Lok Adalat.

He further submits that the stand of the Chandigarh Administration is that the Handcart licence of the petitioner was cancelled way back in 1995, i.e., on 22.8.1995. However, communication of the same was never received by the petitioner and the claim was belated, much less did not submit any application in pursuance to the aforementioned rules, but the fact remains that once the Chandigarh Administration had entertained the claim vide Annexure P-2 and called for the original record, he could not have been said to be a dormant and, thus, prays for setting-aside the order as the Permanent Lok Adaklat had not taken into consideration all the aforementioned facts.

Mr.Vikas Bali, learned counsel for respondent No.2 submits that every person has a right to be considered provided an application in this respect in pursuance to the aforementioned rules, has been submitted. The petitioner was not found in the survey conducted vide Annexure P-3. The petitioner did not approach the authorities during all this period and woke up in the year 2009, i.e., almost after sixteen years. By that time, all the booths had been allotted, much less, some dispute with regard to the

allotment is pending in the Court. Having not submitted the application, the grievance of the petitioner has rightly been rejected and, thus, urges this Court for dismissal of the writ petition.

Mr.Bali, has shown the record of the file and on instructions from Vibhushan Sharma, Senior Assistant, Rehri Branch, U.T.Chandigarh, submits that there is no communication of the alleged cancellation of the licence to the petitioner.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr.Bhandari.

In order to come within the zone of consideration for the allotment of booth, the petitioner was required to move an application as per 1991 Rules. The survey conducted in 1993 was only in respect of persons, who had applied. The question of non-cancellation of licence vis-a-vis the rules cannot be equated as the petitioner would have an independent remedy for claiming the compensation for non-supply of the communication, but as regards the allotment of booth, he was not found eligible in view of the non-submission of the application. Entertaining of the application in 2010, vide Annexure P-5, would not give the petitioner a fresh cause of action enabling him to approach the Permanent Lok Adalat.

Concededly, the petitioner had remained silent after 1991 rules, much list Annexure P-3, but the petitioner made representation in 2009. No explanation for all these years has come on record. Such a conduct of the petitioner cannot be a ground for making him eligible for consideration under 1991 Rules.

I am of the view that all the aforementioned facts do not call for

any interference. The order cannot be said to be illegal and perverse.

Resultantly, the writ petition stands dismissed.

May 22, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No