

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5535-2017

Date of Decision: March 30, 2017

Daulat Ram

.....Petitioner

Versus

Chandigarh Administration 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.Rakesh Bhatia, Advocate
for the petitioner.

Mr.Jaivir Chandial, Advocate
for the respondents.

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SURYA KANT, J.

The petitioner assails the order dated 13.08.2014, 07.01.2016 and 31.01.2017, Annexures P-4, P-6 and P-8 respectively, whereby the lease rights in respect of built up booth No.75 in Grain Market, Sector 26, Chandigarh, were cancelled and the appeal and revision petition preferred by the petitioner have also been dismissed.

[2] One of the grievance in the instant petition is that the Revisional Authority has dismissed the petitioner's revision only on the ground of it being time barred as there was a delay of 21 days only.

[3] We have gone through the order passed by the Revisional

Authority and are satisfied that in such like cases the authorities are expected

to take a pragmatic view and make an endeavour to decide the case on merits instead of rejecting the same on technical ground like being barred by limitation. The delay of 21 days cannot be said to be fatal in nature. Consequently, we allow the writ petition in part; set aside the order dated 31.01.2017 passed by the Revisional authority and remit the case to the said authority to decide the petitioner's revision petition afresh on merits. Till such decision, no recovery shall be effected from the petitioner.

[4] The parties are directed to appear before the Revisional Authority on 24.04.2017.

**(SURYA KANT)
JUDGE**

March 30, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

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