

**118 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

RSA No. 4160 of 2017

Date of Decision: 04.09.2017

THE ESTATE OFFICER, UNION TERRITORY, CHANDIGARH

-APPELLANT

VS

CHAMPA DEVI

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Geeta Sharma, Advocate, and
Ms. Priyanka Dalal, Advocate,
for the appellant.

RAJ MOHAN SINGH, J. (ORAL)

Defendant is in second appeal against the judgment and decree passed in a suit for declaration filed by the plaintiff, challenging the order dated 07.11.2007 passed by Estate Officer, U.T., Chandigarh. Plaintiff was held entitled to allotment of built up booth in Sector-40, Chandigarh. Plaintiff was a hawker having hawker licence No.1188 with registration No.1195 and was allotted site No.69 in Sector-40, Rehri Market, Chandigarh.

On 07.03.1991, a scheme was floated by UT Administration in respect of allotment/transfer of built up booth on higher purchase basis in terms of Chandigarh Rules of 1991. A screening committee was constituted in the year 1991 for

declaring eligible candidates for allotment. Plaintiff was found eligible as per Rule 5 of 1991 Rules.

The Licensing Authority issued letter dated 24.03.1991 to the plaintiff for depositing an amount of Rs.3000/- as earnest money with Chandigarh Housing Board within the stipulated period. The compliance was made by the plaintiff by depositing the aforesaid amount vide draft No.027900 on 09.04.1991 in the sum of Rs.3000/-. A provisional identity card was also issued to the plaintiff. The defendant-administration constructed booths for valid licencees and for that a screening committee was also constituted. The Screening Committee rejected the application form of the plaintiff on the alleged ground of sub-letting in favour of one Jattu.

From the record, I find that the defendant has not led any evidence to prove sub-letting in favour of Jattu. No person has been examined from the locality. No evidence has been collected in respect of statement of market persons. The alleged C.D. prepared by the administration has not been proved on record. The report Ex.P7 has not been proved on record with reference to examination of author and the report itself is in contradiction with the survey report and videography done by means of C.D.

Finding of fact recorded by both the Courts below cannot be interfered with.

No law point worth consideration is involved in this appeal.

The appeal is, hereby, dismissed in limine.

04.09.2017
jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No