

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Misc.No.8798 of 2018 in/and
Civil Writ Petition No.10616 of 2017(O&M)
Date of Decision: August 01, 2018

Deepak Kumar

.....Petitioner

versus

Chandigarh Administration and others

.....Respondents

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

Present: None for the petitioner.

Ms.Aakansha Swahney, Advocate and

Mr.Abhilaksh Grover, Advocate, for respondent Nos.1 to 3.

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Surya Kant, J. (Oral)

The petitioner's grievance in the instant writ petition is against the orders dated 11.05.1994, 26.10.1998 and 22.11.2016 whereby his claim for allotment of built-up booth site situated opposite booth No.309, Sadar Bazar, Rehri Market, Sector 19-C, Chandigarh has been turned down.

The petitioner claims that he has been working in Rehri Market, Sector 19-C, Chandigarh under licence No.1474, registration No.1355 and was running the business of cloth/readymade garments at the time when the unfortunate fire incident took place on 09.04.1993. He thus claimed that in terms of 'The Chandigarh Allotment of Stalls in Day Market Rules, 1989', namely, a Scheme formulated by Chandigarh Administration, read with Chandigarh Handcart (Control and Regulation) Bye-laws, 1989, the petitioner also became eligible for allotment of built-up booth site but his claim has been turned down without considering the relevant supporting material.

On the other hand, the respondents have controverted the petitioner's allegations as, according to them, the Screening Committee

observed that no such loss had occurred in the alleged fire incident. It is

averred that father of the petitioner had a similar claim and he has been allotted the built-up booth site.

Though counsel for the petitioner is not present but it appears that claim of petitioner deserves to be re-considered in the light of the order passed by this Court in CWP No.23537 of 2015 (Moti Lal Jain versus The Chandigarh Administration through its Advisor and others) decided on 22.03.2018. In that case also, the writ-petitioner relied upon the hawker licence, receipts of amount deposit, electricity bill, statement recorded under Section 161 Cr.P.C. as well as the certificate issued by President of the Rehri Market etc. to substantiate his claim. This Court directed that the matter deserved to be reconsidered by the Screening Committee after hearing the petitioner and perusing the relied upon documents.

The instant writ petition is accordingly allowed in part; the impugned orders dated 11.05.1994, 26.10.1998 and 22.11.2016 are set-aside and the matter is remitted to the Screening Committee to re-consider the claim of the petitioner on the basis of the documents relied upon by him. The respondents shall also be at liberty to raise all their objections before the Screening Committee in accordance with law. It shall be appreciated if the petitioner be heard in person before deciding his claim. Let the needful be done within a period of four months from the date of receiving a certified copy of this order.

Dasti.

[SURYA KANT]
JUDGE

August 01, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No

102 CM Nos.8797 and 8798 of 2018 in
CWP No.10616 of 2017

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Deepak Kumar versus Chandigarh Administration and others

Present : None for the applicant-petitioner.
Ms.Aakansha Sawhney, Advocate and
Mr.Abhilaksh Grover, Advocate,
for respondent Nos.1 to 3.

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CM No.8797 of 2018

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and copy of the order dated
22.03.2018 (P-21) is taken on record.

CM stands disposed of.

(SURYA KANT)
JUDGE

August 01, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE