

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Misc.Nos.10112 and 10342 of 2018

in/and

Civil Writ Petition No.17024 of 2018 (O&M)

Date of Decision: August 21, 2018

B.S.Walia and others

.....Petitioners

versus

U.T. Administration, Chandigarh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Raman Sharma, Advocate, for the petitioners.
Mr.Suvir Sehgal, Senior Standing Counsel for UT, Chandigarh
and Mr.Sourabh Goel, Advocate, for UT, Chandigarh.
Mr.Rupinder S.Khosla, Senior Advocate with
Mr.Sarvesh Malik, Advocate, for respondent No.4.

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Surya Kant, J. (Oral)

The petitioners are residents of Sector-38 West, Chandigarh.
Their grievance in the instant writ petition is against earmarking of site for
'liquor vend' allotted to 4th respondent.

On seeing the location of the vend, which was auctioned for the
revenue area of village Dadu Majra, U.T. Chandigarh, we impressed upon
Mr.Suvir Sehgal, Senior Standing Counsel for U.T. Chandigarh to find out
an alternative site for respondent No.4 to shift the liquor vend. In deference
thereto, Mr.Suvir Sehgal has handed-over a letter dated 20.08.2018, which
is taken on record, whereby the 4th respondent has been permitted to shift
the liquor vend to Khasra No.154 (Gair Mumkin Bara) of village Dadu
Majra, UT, Chandigarh. Mr.Rupinder S.Khosla, senior counsel representing
respondent No.4 states that the liquor vend will be shifted today itself.

The new location of the liquor vend fully redresses the
grievances of the petitioners as well.

Learned counsel for respondent No.4, nevertheless, points-out that during the period respondent No.4 could not run the liquor vend, either due to sealing of the vend or delay in allocation of the site, the said respondent is entitled to seek refund of the rental charges and/or the licence fee. In this regard, we grant liberty to respondent No.4 to submit a comprehensive representation with the details of the non-functional period and such representation shall be decided by the Competent Authority within one month and whatsoever is found due, shall be refunded to the 4th respondent or adjusted against future rent etc. The temporary structure raised at the disputed site shall be removed by the Chandigarh Administration forthwith.

The writ petition stands disposed of in above terms.

[SURYA KANT]
JUDGE

August 21, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.10343 of 2018 in
CWP No.17024 of 2018

B.S.Walia and others vs. U.T.Administration, Chandigarh and others

Present : Mr.Raman Sharma, Advocate,
for the petitioners.
Mr.Suvir Sehgal, Senior Standing Counsel for UT Chandigarh
and Mr.Sourabh Goel, Advocate, for UT Chandigarh.
Mr.Rupinder S.Khosla, Senior Advocate with
Mr.Sarvesh Malik, Advocate,
for applicant-respondent No.4.

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For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and written statement filed by
respondent No.3 is taken on record.

(SURYA KANT)
JUDGE

August 21, 2018
mohinder

(SUDIP AHLUWALIA)
JUDGE