

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

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CWP-25724-2016

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Date of Decision: 01.05.2018

SHER CHAND KHATRI AND ANR.Petitioner(s).

Versus

STATE OF HARYANA AND ORS. ...Respondent(s).

**CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. Sher Chand Khatri (Petitioner in person).

Mr. D.R. Singla, DAG, Haryana.

Mr. Deepak Balyan, Advocate
for respondent No.2.

ANUPINDER SINGH GREWAL, J.

The petitioners have impugned order dated 19.10.2016 as well as allotment letter dated 19.02.2004. It is the case of the petitioners that they are the legal heirs of Trilok Chand Khatri, who had established a wooden stall at the land measuring 219 square yards provided by the Ministry of Rehabilitation, Government of India at Old Sabzi Mandi, NIT, Faridabad in the year 1950 upon migration from NWFP.

2. Learned counsel for the petitioners states that he may be allowed to withdraw the Power of Attorney filed on behalf of the petitioners in the present case, as petitioner No.1-Sher Chand Khatri wants to appear in person.

3. Ordered accordingly.

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4. The petitioners are stated to be enjoying the peaceful possession of the suit property and running their business for their livelihood. Petitioner No.1, who appeared in person, contended that as the petitioners are the legal heirs of Trilok Chand Khatri, who had been rehabilitated after migration from Pakistan and the respondents cannot prevent them from carrying their occupation at the site.

5. In the reply filed by the respondents No.1 and 2, it is stated that the petitioners and their family members have succeeded in getting allotment of four sites for shops in the proposed shopping complex at Sabzi Mandi, NHI, NIT, Faridabad. Two sons of petitioner No.1 namely Ajay Khatri and Rajiv Khatri have been allotted two shops vide order dated 19.02.2004 (Annexure R-9 and R-10).

6. We are of the considered view that since the family of the petitioners have been allotted four sites for shops, it would not be possible for this Court to grant the relief as prayed for. It also deserves to be noticed that petitioner No.1 has concealed the factum of his two sons having been rehabilitated by allotment of two sites. In all four legal heirs of the father of the petitioners had already been allotted sites by the respondents. In addition, one Amit Khatri, who is related to petitioner No.2, constituted Frontier Bazar Association, Faridabad and also filed civil suits individually and through the Association in order to claim more shop sites and hamper the working of answering respondents as well.

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7. Furthermore, the petitioner is also challenging the letter of allotment dated 19.02.2004 (Annexure P-13) in the instant petition, which has been preferred in the year 2016. The petition would merit dismissal on the ground on delay and laches as well.

8. Consequently, the petition being devoid of any merit stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

01.05.2018

SwarnjitS

Whether speaking/reasoned : YES/NO
Whether reportable : YES/NO