

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

- 1 -

CWP-26994-2016

215/2

Date of Decision: 01.05.2018

FRONTIER BAZZAR ASSOCIATION FARIDABAD

....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. Pankaj Bali, Advocate for the petitioner.

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

Mr. Deepak Balyan, Advocate
for respondents No.5 to 7.

ANUPINDER SINGH GREWAL, J.

This petition has been preferred by an Association through its General Secretary namely Amit Khatri seeking issuance of a writ in the nature of mandamus directing the respondents to decide the representation (Annexure P-5) (Colly) pending before the office of respondent No.4 and to allot the shop in Sabzi Mandi area (MOR land) for resettling the shop which was also subject matter of earlier writ petition No.4906 of 1989. A further prayer has been sought to stop the construction work on the site in question till the decision of the aforesaid representation (Annexure P-5) (Colly.) besides other reliefs.

2. In a petition bearing CWP No.25724 of 2016, instituted by Sher Chand Khatri and Smt. Naresh Khatri, a similar relief has been sought, which has been dismissed by this Court by order of even date as the family of Trilok Chand Khatri, who is stated to be the person, who had been rehabilitated after partition, had been

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- 2 -

CWP-26994-2016

allotted four shops. In the written statement filed on behalf of respondents No.5, 6 and 7, it is stated that Amit Khatri-General Secretary of the Association, through whom the present petition has been filed, had instituted a civil suit seeking similar relief which is pending in the Court of Civil Judge (Junior Division), Faridabad. The petitioner-Association has been formed only in 2014 by 09 persons out of whom 03 had earlier preferred CWP No.13942 of 2016 which was withdrawn by them on 09.08.2011 with liberty to file a civil suit. The suit was filed by these persons and it was dismissed under Order IX Rule VIII on 09.05.2017 by Civil Judge (Junior Division), Faridabad. Amit Khatri is also related to the petitioners in CWP No.25724 of 2016. The averments have not been rebutted by filing any replication. It is thus, apparent that some members of the petitioner-Association have filed civil suits seeking similar relief which has not been disclosed in this petition.

3. The aforementioned facts as revealed in the written statement corroborate the wrongful conduct adopted by the members of the petitioner-Association, which itself warrants dismissal of the present petition. Accordingly, this petition also stands dismissed.

(AJAY KUMAR MITTAL)
JUDGE

01.05.2018

SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned :
Whether reportable :

YES/NO
YES/NO