

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

Civil Writ Petition No.26353 of 2017
Date of decision: February 08, 2018

Satish Kumar

....Petitioner

versus

The Chandigarh Administration and others

....Respondents

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

Present: Mr. G.S. Sidhu, Advocate for
Mr. Ajit Singh, Advocate for the petitioner.

Mr. Sanjiv Ghai, Advocate for respondent No.4.

AJAY KUMAR MITTAL, J. (Oral)

1. The challenge in this petition filed under Articles 226/227 of the Constitution of India is to the orders dated 12.08.2004, 09.05.2007, 23.04.2008, 09.07.2008 and 16.01.2014 (**Annexures P-2 to P-6**) respectively, passed by the respondents.

2. While issuing notice of motion on November 20, 2017, the following interim order was passed:-

'The parties including the petitioner shall maintain status quo with regard to the booth in all respects, subject to the petitioner depositing an amount of Rs.30 lacs with the respondents on or before 15.12.2017. The respondents would be entitled to accept the amount without prejudice to their rights and contentions. It is made expressly clear that the acceptance of the amount will not create any equities in favour of the petitioner. In the event of the petitioner not succeeding in having the impugned order set aside and the

respondents taking over possession of the property, the respondents would be entitled to adjust the amounts, if any, deposited by the petitioner pursuant to this order, towards their claim for use and occupation of the premises by the petitioner from the date of the order of resumption till possession is taken over. The balance, if any, shall be refunded with interest at the rate fixed by the Court.'

3. On a query being put to learned counsel for the petitioner whether the petitioner has deposited the aforesaid amount with the concerned authority or not, he submitted that due to his financial condition, he is unable to deposit the same.

4. In view of the above, since the resumption proceedings of the booth in question which are on account of non-payment of the installments after making the initial payment of 25% of the allotment amount have been taken and the petitioner has failed to show his bonafides in depositing the amount, in compliance of order dated November 20, 2017, we do not find any justification to entertain this petition filed under Articles 226/227 of the Constitution of India. Consequently, the writ petition is dismissed.

(AJAY KUMAR MITTAL)
JUDGE

(ANUPINDER SINGH GREWAL)
JUDGE

February 08, 2018
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Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No