

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-26416-2017

Date of Decision: 22.3.2018

Rakesh

....Petitioner.

Versus

Financial Commissioner Revenue-cum-Addl. Chief Secretary and others

...Respondents.

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

PRESENT: Ms. Radhika, Advocate for
Mr. Sanjeev Kodan, Advocate for the petitioner.

Mr. D.R. Singla, Deputy Advocate General, Haryana.

Mr. Deepak Balyan, Advocate for respondent No.2 and 3.

AJAY KUMAR MITTAL, J.

1. By way of instant petition filed under Articles 226/227 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the notice dated 13.11.2017 (Annexure P-7) issued by respondent No.3 directing the petitioner to vacate booth No.18, New Vegetable Market, Jhajjar despite of the fact that the revision petition dated 17.3.2015 (Annexure P-6) against the order dated 27.1.2015 (Annexure P-5) against the resumption order dated 18.12.2014 (Annexure P-3) is still pending. Further, a writ of mandamus has been sought directing respondent No.1 to decide the revision petition (Annexure P-6) within some

2. Briefly stated, the facts necessary for adjudication of the instant writ petition as narrated therein may be noticed. Booth No.18, New Vegetable Market, Jhajjar was allotted to the petitioner vide allotment letter dated 8.2.2008 (Annexure P-1) in open auction through draw of lots. The petitioner vide affidavit dated 22.12.2014 (Annexure P-2) requested respondent No.3 that he was ready and willing to pay the balance installments. Respondent No.3 vide order dated 18.12.2014 (Annexure P-3) ordered for resumption of the booth in question. Against the order, Annexure P-3, the petitioner had filed an appeal dated 24.12.2014 (Annexure P-4) before respondent No.2 who vide order dated 27.1.2015 (Annexure P-5) dismissed the said appeal. Feeling aggrieved by the order, Annexure P-5, the petitioner filed revision petition dated 17.3.2015 (Annexure P-6) before respondent No.1. However, respondent No.3 vide notice dated 13.11.2017 (Annexure P-7) directed the petitioner to vacate the booth in question within a period of seven days. Hence, the present writ petition.

3. Learned counsel for the petitioner submitted that the revision petition against the order dated 27.1.2015 (Annexure P-5) arising out of the resumption order dated 18.12.2014 (Annexure P-3) is pending consideration and vide notice dated 13.11.2017 (Annexure P-7), the respondents intended to take possession of the booth in question.

4. On the other hand, learned counsel for the respondents supported the orders dated 18.12.2014 and 27.1.2015 (Annexures P-3 and P-5, respectively).

5. After hearing learned counsel for the parties, in the interest of justice and without expressing any opinion on the merits of the case, we

dispose of the present petition by directing respondent No.1 to take a decision on the revision petition dated 17.3.2015 (Annexure P-6), in accordance with law by passing a speaking order within a period of three months from the date of receipt of the certified copy of the order. Till then no coercive methods would be taken by the respondents. Needless to say that the grant of interim protection would not be taken to be an expression of opinion on the merits of the case.

(AJAY KUMAR MITTAL)
JUDGE

March 22, 2018
gbs

(ANUPINDER SINGH GREWAL)
JUDGE

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No