

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP-26700-2017

Date of Decision: 22.3.2018

Sanjay

....Petitioner.

Versus

State of Haryana and others

...Respondents.

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

PRESENT: Mr. Naveen Dahiya, Advocate for
Mr. Shalender Mohan, 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 order dated 13.11.2017 (Annexure P-2) passed by respondent No.3 directing the petitioner to vacate booth No.92, New Grain Market, Jhajjar despite of the fact that the appeal against the resumption order dated 18.8.2017 is still pending. Further, a writ of mandamus has been sought directing the respondents to decide the appeal dated 20.11.2017 (Annexure P-1) filed by the petitioner.

2. Briefly stated, the facts necessary for adjudication of the instant writ petition as narrated therein may be noticed. Booth No.80, New Grain Market, Jhajjar was allotted to the petitioner vide allotment letter dated 7.2.2017 in open auction through draw of lots. Respondent No.3 vide order dated 18.8.2017 ordered for resumption of the booth in question and vide

letter dated 13.11.2017 directed the petitioner to vacate the said booth. Against the order dated 18.8.2017, the petitioner had filed an appeal dated 20.11.2017 (Annexure P-1) before respondent No.2. However, respondent No.3 vide notice dated 13.11.2017 (Annexure P-2) 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 against the resumption order dated 18.8.2017, the petitioner had filed appeal which is pending consideration and vide notice dated 13.11.2017 (Annexure P-2), the respondents intended to take possession of the booth in question.

4. On the other hand, learned counsel for the respondents supported the resumption order dated 18.8.2017 passed by respondent No.3.

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 appeal dated 20.11.2017 (Annexure P-1), 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