

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

CWP No.4524 of 2018 (O&M)

Date of decision : 14.03.2018

Shamsher Singh

.....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Harish Nain, Advocate for the petitioner.

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DAYA CHAUDHARY, J. (Oral)

The prayer in the present petition is for issuance of a writ of mandamus directing the respondents to allow the petitioner to run Punjab Agro Juice Bar at Bus Stand Narwana and to deposit the security amount and rent in view of letter dated 10.11.2017 (Annexure P-3).

Learned counsel for the petitioner submits that in pursuance of advertisement issued by the respondents, the petitioner was allotted shop to run the juice bar being the highest bidder. The agreement was for a period of three years. Learned counsel also submits that there was no complaint against the petitioner and before the expiry of period of three years, the same has been cancelled by passing an order which has been set aside by respondent No.2 in appeal.

The order of cancellation has not been placed on record. Only on the basis of letter dated 10.11.2017, the petitioner is claiming his right to run the shop till 31.03.2019 on executing fresh agreement and furnishing fresh security. Even the terms and conditions of the agreement have not been placed on record. After cancellation of the agreement of the petitioner, proceedings have been initiated to put the shop on auction.

Allotment after cancellation cannot be claimed as a matter of right. In case the petitioner was interested in executing the fresh agreement and furnishing fresh security, he should have approached the appropriate authority. On perusal of representation dated 19.12.2017 (Annexure P-4), it shows that the petitioner wanted to deposit the rent and security but the Clerk of the respondent-authorities misled him. Complaint was made by him to the General Manager on dated 30.11.2017 but he was not allowed to deposit the rent and because of that reason, there has been a loss of ₹500/- per day. As per submission made by learned counsel for the petitioner, in spite of making representation dated 19.12.2017 (Annexure P-4), no action has been taken so far, whereas petitioner is ready to deposit the rent and to furnish fresh agreement.

Accordingly, the present petition is disposed of with a direction to respondent No.3 to consider the representation of the petitioner dated 19.12.2017 (Annexure P-4) within a period of one week from the date of receipt of certified copy of this order.

Meanwhile, respondents are directed not to proceed further for fresh allotment of the shop in dispute till the decision on the representation

of the petitioner is taken.

14.03.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No