

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

LPA no.2081 of 2017 (O&M)

Date of Decision : 15.03.2018

Car Dealer Association (Regd)

....Appellant(s)

Versus

Chandigarh Administration and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT**

**Present : Mr.Aditya Grover, Advocate for the petitioner(s)
Ms. Suman Devi Saxena, Advocate for
Ms. Deepali Puri, Advocate for the respondent**

MAHESH GROVER, J.(ORAL)

The appellant has impugned the order passed by the learned Single Judge dated 20.5.2016.

The core controversy raised before the learned Single Judge as also before us is qua the decision taken by the Chandigarh Administration to allocate a site for sale of pre-owned cars. The learned Single Judge accepted the plea of the Administration qua the site selected by them and also directed that necessary facilities ought to be provided at the site in order to make it conducive for the trade and reduce inconvenience to the users.

It is not in dispute that some facilities have been provided but the grievance of the appellant is that the site is not good enough and is temporary in character limited to 10 years which will entail a further disruption of the business after expiry of the said period. Apart from this reliance has been place on the report of the police authorities indicating that some inconvenience is experienced by conducting business at the site in question.

On due consideration of the matter, we are of the opinion that the appellant's grievance is totally mis-placed. We do not find any reason to interfere with the decision of the learned Single Judge. Great emphasis has been laid by the appellant on the report of the police which in our opinion is insignificant and inconsequential to the cause espoused before us for the simple reason that if a decision has been taken by the authority competent to do so any resultant discomfiture to its users would be an issue to be resolved between two wings of the Executive. The Courts would have no role to play in it. Once a proper site has been chosen by those involved in the decision making process and approved by the learned Single Judge in appropriate proceedings, we in the exercise of our Letter Patents jurisdiction would not deem it appropriate to interfere, particularly, when no error warranting correction has been shown. We, therefore, dismiss the appeal but with a direction to the Chandigarh Administration that all steps that are required to be taken to ensure proper atmosphere with minimum inconvenience to the people be provided at the earliest.

The learned counsel for the appellant states that he be granted permission to approach the Administration in this regard.

We are of the opinion that no such permission is warranted as it is always open to the member of the public to approach the Administration or an authority with his grievance.

(Mahesh Grover)
Judge

15.03.2018
rekha

(Rajbir Sehrawat)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No