

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.1442 of 2014 (O&M)

Date of Decision : 13.03.2019

Jyoti Batra

....Petitioner

Versus

State of Punjab and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr. Namit Gautam, Advocate for the petitioner(s)

Mr. Suveer Sheokand, Addl. AG, Punjab

Mr. Parveen Kumar, Advocate for respondents no. 2 and 3

Mr. Balwinder Singh, Advocate for GLADA

Mr. Joginder Sharma, Advocate for respondents no.6 and 7

MAHESH GROVER, J.(ORAL)

The petitioner had staked a claim to a constructed shop on the premise that she was also an occupant of a wooden Kiosk no.15 as were the other persons who have been granted the shop and denial to her was discriminatory.

With this grievance this instant petition has been filed which was resisted by the respondents who have placed on record a site plan and contended that 45 Kiosk owners were occupying the land belonging to the State Government/PUDA/GLADA (the successor bodies) and in order to retrieve the land from unauthorized 45 Kiosk owners, the State and the PUDA entered into an agreement whereby shops were to be constructed and given to the Kiosk owners on payment basis. All the 45 Kiosk owners have

since been allotted shops through draw of lots and are carrying on their business therefrom. The petitioner was not in occupation of the land where the other Kiosk owners were situated rather her Kiosk is much beyond that area and therefore her claim was not considered for allotment in the newly constructed booths.

It is not in dispute that 94 booths were constructed and some are still available for allocation.

The respondents state that they would have absolutely no objection if the petitioner pays for the booth in terms of the process that they may adopt for sale of these units. The petitioner is agreeable to this.

If that be so then we are of the opinion that petitioner may participate in the process for obtaining a booth in terms of the process that the respondents adopt to alienate these sites.

Disposed of.

(Mahesh Grover)
Judge

13.03.2019

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Lalit Batra)
Judge