

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

**CWP-22614-2022
Date of Decision: 29.09.2022**

Nikhil Garg

..... Petitioner

Versus

The Hon'ble Punjab and Haryana High Court and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vaneet Soni, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari quashing the order dated 27.09.2019 (Annexure P-3) and order dated 18.11.2021 (Annexure P-8) passed by the Hon'ble Building Committee of the Punjab and Haryana High Court; as also seeking issuance of a writ of mandamus directing the respondents to allot M/s Ram Bhaj Garg Photostat Shop i.e. half portion of motor garage adjoining Prem Halwai shop situated in the High Court premises in the name of the petitioner; and also prayed that during the pendency of the present petition, the operation of the impugned orders and notice (Annexure P-15) may be stayed.

Notice of motion.

On the asking of the Court, Mr. Rajeev Anand, Advocate, accepts notice on behalf of the respondents.

Undisputedly, the father of the petitioner was inducted in the premises as licensee. The father of the petitioner expired on 16.01.2011. Still the premises in question remained with his family. However, now the respondents have decided to re-allot the shop on a fresh licence by inviting

applications through public notice. Hence, the petitioner, who is the son of the deceased licensee, was asked to vacate the premises in question. On receipt of the notice, the petitioner had submitted an undertaking that he will vacate the premises in question, latest, by 30.09.2022. The petitioner is now questioning the action of the respondents.

Having heard the submissions of the counsels and after considering the facts on record and the course of action being taken by the respondents, this Court finds that the petitioner has no right to continue in possession of the premises. By any means, the petitioner has no locus to obstruct the process being undertaken by the respondents qua allotting the premises in question by inviting fresh applications from the public and by ensuring an equal treatment to all the applicants. Moreover, the petitioner himself had furnished an undertaking to vacate the premises in question by 30.09.2022. Therefore, the petitioner cannot be permitted to back out from his own undertaking so as to continue the unauthorized occupation of the public property.

In view of the above, finding no merit in the present petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

29.09.2022
adhikari

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No