

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

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2023:PHHC:086606-DB

CWP-14552-2023

Date of Decision: 12.07.2023

M/s. Prabhjit Traders and another

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Govind Tanwar, Advocate,
for the petitioners.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present writ petition filed under Article 226 of the Constitution of India is to the order dated 09.03.2022 (Annexure P-6) wherein, the request for conveying the dues against Shed No.D-82, Phase V, Industrial Focal Point, Mohali was rejected on the ground that the petitioners were illegal occupants of the above said shed.

2. Apparently, the site was allotted to one R.K. Bhalla, who never complied with the terms and conditions of the allotment dated 13.02.1975 (Annexure P-1). The allotment was thereafter terminated on 09.07.1980 (Annexure P-2) and proceedings under The Public Premises (Eviction of Unauthorised Occupants) Act, 1971 were initiated against the said allottee on 28.02.1989. The petitioners allege themselves to be the tenants of the said original allottee and, therefore, seek consideration for re-allotment.

3. Accordingly, we do not see any reason to grant a writ of mandamus for the benefit which is claimed in view of the fact that neither there is any such policy on the basis of which such a writ of mandamus can

be issued for consideration of the case of the petitioners. It is settled principle that a mandamus can only be issued to enforce a legal right or a statutory provision, which the counsel has failed to bring to our notice.

4. The petitioners' status as such was only of a tenant of a person whose allotment already stands terminated long time back and, therefore, they cannot be placed at a higher pedestal than a person who failed to pay the arrears of the due amounts. It would only amount to circumventing the procedure of eviction which has already been initiated under the prescribed procedure of law.

5. Accordingly, the writ petition stands dismissed, being not maintainable.

(G.S. SANDHAWALIA)
JUDGE

12.07.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No