

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

CWP-19307-2023

Date of decision : 01.09.2023

Raj Kumar

.....Petitioner

versus

Chandigarh Administration and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikas Chatrath, Advocate
Mr. Shekhar Choudhary, Advocate and
Ms. Ridhi Sachdeva, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for issuing a declaration that the impugned order passed by respondent No.3 on 05.12.2022 (Annexure P-6) wherein while exercising the power under Sub-section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, petitioner has been ordered to vacate the said premises within a period of 15 days from the date of order along with impugned order dated 07.08.2023 (Annexure P-9) passed by respondent No.3 whereby representations dated 13.07.2022 (Annexure P-5) and 12/19.06.2023 (Annexure P-7) submitted by petitioner has not been considered and decided. Further prayer has been made to consider the representation dated 13.07.2022 (Annexure P-5) more particularly that the petitioner is in occupation of the transit site since his birth and his father has been in occupation of the said tenement wherein license fee as per demand raised by respondent No.3 was paid and it is claimed that transit side as per Clause 30 of the Licensing of Tenements and Transit Sites in Chandigarh Scheme, 1975 be regularized.

Notice of motion.

Ms. Amrita Garg, Advocate and Mr. Madhu Dayal, Advocate accepts notice on behalf of the UT Chandigarh.

Learned counsel for the petitioner, at the outset, submits that against the impugned order he would avail the remedy of filing an appeal under the statutory provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 as well as Licensing of Tenements and Sites and Services Chandigarh Scheme, 1979 and he may be allowed to withdraw the present petition with liberty to the petitioner to avail alternative remedy as available to him under law.

Allowed to do so.

Petition is dismissed as withdrawn with liberty as prayed for.

However, learned counsel for the petitioner fairly submits that the representation was filed before respondent No.2 but it has been observed by respondent No.2 vide order dated 07.08.2023 that the same could not be considered for the reason that necessary allotment letter/required documents were not supplied. He submits that petitioner would supply the requisite documents and the representation be considered after hearing the petitioner.

Heard. Petition is at liberty to file the requisite document as directed by Estate Officer, UT Chandigarh and if he files the requisite document as asked by respondent No.2 within ten days, then respondent No.2 would deal with the same as in accordance with law.

01.09.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No