

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

CWP-20770-2023**Date of decision: 21.09.2023**

Piara Singh

... Petitioner

Versus

Chandigarh Administration and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Rakesh Bhatia, Advocate, for the petitioner.

...
RAJESH BHARDWAJ, J.

Prayer in the present petition is for directing the appellate authority under the Public Premises Act, 1971 to decide the application for condonation of delay as well as application for de-sealing the booth No.51, Sector-26, Sabzi Mandi, Chandigarh, where the appeal No.MCA/DJ/85/2023 is pending consideration, as the learned authority adjourned the appeal for 15.12.2023, as the petitioner who is fruit and vegetable seller is facing hardship and unable to earn his livelihood.

Learned counsel for the petitioner has submitted that the petitioner earlier approached this Court by filing CWP-13453-2023, which was disposed of by this Court vide order dated 03.07.2023 with a direction to the appellate authority to decide the appeal of the petitioner expeditiously. He submits that the appeal filed by the petitioner was taken up by the appellate Court, but the same has now been adjourned for 05.12.2023. He submits that the petitioner is a poor person who had been allotted a booth in Sector-26, Sabzi Mandi, Chandigarh, which has been sealed and hence, he is unable to earn his livelihood. He submits that as there was urgency in the case and hence, due to peculiar facts and circumstances of the case, he insisted for hearing of the case and on account of the same, zimini order dated 03.08.2023 was passed by the

appellate Court, wherein, the learned Presiding Officer has expressed his displeasure regarding the proceedings which took place on that day. He submits that the counsel had no intention to undermine the dignity of the Court, however, the Presiding Officer has recorded his displeasure and adjourned the case for 05.12.2023 which has resulted into prolonging the hardship of the poor litigant. He prays that the case be heard by the Presiding Officer on some earlier date in the interest of justice. He further prays that the petitioner would be victimized, if the case is not heard on some earlier date.

Heard.

After hearing learned counsel for the petitioner and perusing the record specially the orders dated 03.08.2023 and 18.08.2023 passed by the learned Presiding Officer, it transpires that the arguments were not advanced keeping in view the sanctity of the Court. However, the learned Presiding Officer had exercised his restraint to uphold the same. Learned counsel has also expressed his remorse for the undesired insistence, which resulted in expressing the displeasure by the learned Presiding Officer.

Keeping in view the facts and circumstances of the case, the present petition is disposed of with a request to the learned Presiding Officer that in case the petitioner files any application for speedy trial/pre-poning the case, the same be considered in accordance with law. This Court expects that the esteem and dignity of the Court would be maintained throughout.

(RAJESH BHARDWAJ)
JUDGE

21.09.2023
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No