

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.25373 of 2023
Date of decision : 08.11.2023

Subhash Chander and others

..... Petitioner

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Bhargava, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for quashing/setting aside the proceedings carried out by respondents wherein respondent No.3 vide letter No.SDM/SLAC/2 524-555 dated 13.10.2023 (Annexure P-1) has directed the petitioners and their families to vacate Bungalow No.19, Kachhari Road, Survey No.21, Cantonment, Amritsar so as to handover the possession to respondent No.5, same being patently illegal, arbitrary and against the principles of natural justice and settled position of law.

It has been contended by learned counsel for the petitioners that the petitioners are residing in the demised premises from the last about 50 years. He submits that respondents though had approached the Hon'ble Supreme Court as well but the petitioners were not the parties in the same. He submits that now 04 days notice has been given to the petitioners to vacate the premises. He submits that the notice served for vacation is

totally unsustainable in the eyes of law as the petitioners cannot respond to the same within 04 days. He submits that impugned notice has been issued straight way for the vacation and no further time has been given to the petitioners for raising their grievances.

Notice of motion.

Mr. Arun Gosain, Senior Government Counsel and Ms. Akshita Chauhan, DAG, Punjab appear and accept the notice on behalf of respondents No.1, 5 & 6 and respondents No.2 to 4, respectively.

Learned counsel appearing for respondents No.1, 5 & 6 has vehemently opposed the submissions made by learned counsel for the petitioners. He has rather submitted that the petitioners were issued the notice in advance and the Hon'ble Supreme Court has already decided the issue regarding the persons, who are similarly situated as the petitioners, however, the case was distinguishable from that of the petitioners. It is apparent that the impugned notice has been issued only giving 04 days time to the petitioners.

In the peculiar facts and circumstances, it is desired that the petitioners be given some reasonable time for hearing their grievances by the respondents-authorities.

In view of the above, the present petition stands disposed of with liberty to the petitioners to file representation to the concerned authorities for the redressal of their grievances within a period of 07 days from today. If any such representation is filed by the petitioners, the respondents authorities would deal and decide the same in accordance with

law expeditiously preferably within a period of four weeks on receipt of the same.

Status quo shall be maintained till the decision of the representation, if any filed by the petitioners. Needless to say, if the petitioners do not file any such representation, this order would be of no avail.

(RAJESH BHARDWAJ)
JUDGE

08.11.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No