

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 28972 of 2023

Date of decision: 21.12.2023

Asha Sharma

.... Petitioner

Vs.

Union Territory, Chandigarh and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Prateek Sodhi, Advocate and
Mr. Divanshu Jain, Advocate
for the petitioner.
Dr. Neha Awasthi, Addl. Standing Counsel
for U.T. Chandigarh with
Ms. Shubreet Kaur, Jr. Panel Counsel
for U.T. Chandigarh.

ARUN PALLI, J (Oral)

The petitioner herein has prayed for the following substantive relief:

“Civil Writ Petition under Article 226 of the Constitution of India for :

I. Issuance of writ in the nature of issuance of writ of CERTORARI quashing notice dated October 18, 2011, Annexure P/6, issued by Respondent No.4 under Section 4 (1) of the Public Premises (Eviction of Unauthorized Occupanats), Act, 1971 and consequential proceedings being carried out by Respondent No.4, seeking to evict the Petitioner from booth No.53, Sector 22-C, Chandigarh

AND

II. Issuance of writ in the nature of Mandamus directing Respondent No.1 to decide the revision petition No.27 of 2022, Annexure P/8 or the application for stay, Annexure P/9, both dated

September 5, 2022, titled as “Asha Sharma vs. Estate Officer”, in a time bound manner andn further to direct Respondent No.4 not to implement the impugned orders therein, whereby the allotment of the Petitioner has been cancelled, during the pendency of the final adjudication of stay application and revision petition pending before Respondent No.1.”

Learned counsel for the petitioner submits that pursuant to the letter of allotment dated May 12, 1993 (P-1), the petitioner was allotted booth No.53, Sector 22-C, Chandigarh for 99 years’ lease. However, vide order dated May 25, 2011 (P-5), the Estate Officer cancelled the said lease. Whereafter, the petitioner preferred an appeal which was dismissed by the Chief Administrator on August 9, 2022. Being aggrieved, she preferred a revision and also moved an application for interim relief, which is pending before the competent authority. However, in the interregnum, the authorities had also issued the impugned show cause notice, under Section 4 (2) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, on October 18, 2011. It is urged that even earlier since the appeal preferred by the petitioner, against the order of cancellation of lease, was pending, the show cause notice was kept in abeyance. Further, the petitioner had submitted response to the show cause notice on September 14, 2022 (P-10) and apprised the competent authority that as the order of cancellation of lease had not yet attained finality and, therefore, the matter be adjourned sine die to await the final outcome of the proceedings. However, he asserts that on the one hand, the revision accompanied by an application for interim relief is not being decided/adjudicated by the revisional authority, but on the other, the petitioner is sought to be evicted from the premises in question pursuant to the impugned show cause notice. It is submitted that the matter was posted on numerous dates before the revisional authority yet no orders were passed either on the application for interim relief or in the main case. And the matter, now, as submitted by the learned counsel for the Chandigarh Administration, is posted for 3.4.2024. Thus, it is urged that apparently the

petitioner is a victim of administrative apathy and if her possession is not protected, during the pendency of her revision and stay application, there is every possibility that she would be evicted/dispossessed. And, therefore, she would suffer an irreparable loss and injury.

Served with advance copy of the petition, Dr. Neha Awasthi, Additional Standing Counsel for U.T. Chandigarh, is present in court. The factual position, as sketched out above, is not disputed by her.

In conspectus of the above, we consider it expedient to dispose of this petition with a direction to the revisional authority to consider and decide the revision filed by the petitioner, if possible, on the date already fixed. However, till the application moved by the petitioner, praying for interim relief, and/or the revision petition itself, is/are decided, status quo as regards possession of the petitioner, as it exists today, shall be maintained.

Disposed of accordingly.

Needless to assert that this order shall not constitute an expression of opinion on the merits of the case of either party, for, as indicated earlier, the competent authority shall examine and decide the revision, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.12.2023
deepak

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