

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CWP-5627-2021
Date of Decision : 29.02.2024

RITA PETITIONER

Versus

UNION OF INDIA AND ORS RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Ms.Suman Saggar, Advocate for
Mr. Jitender Dhanda, Advocate
for the petitioner.

Ms. Jyoti Chadudhary, Sr.Panel Counsel
for respondent No.1-UOI.

Mr. Raman Sharma, Advocate
for respondents No.2 and 3.

Mr. Sumit Sharma, Advocate
For respondent No.4.

JAGMOHAN BANSAL, J. (Oral)

1. On 09.03.2021, the following order was passed :

*“This matter is being taken up for hearing through
video conferencing due to the outbreak of pandemic,
COVID-19.*

*Learned counsel for the petitioner submits that due
to an inadvertent clerical error in lease agreement
Annexure P-2, Khasra No.88 instead of 82 was
mentioned, which led to the respondent-Corporation
concluding that there was a shortfall in the land offered
for allotment of retail outlet at village Thilor on SS-12,
Tosham-Isherwal Road, District Bhiwani. When the
petitioner came to know of the same, she got the lease*

deed corrected vide deed dated 20.09.2019 (Annexure P-3), wherein it is specifically mentioned that it would form part and parcel of the earlier lease deed dated 20.12.2018. Learned counsel states that relevant documents were submitted before the respondent-Corporation, however, her application was wrongly rejected on 09.10.2020 (Annexure P-5). Petitioner again submitted a representation (Annexure P-6) for reconsideration of her application as rejection of her candidature due to a clerical mistake was claimed to be unjustified. However, respondent-corporation, it is submitted, without deciding her representation, has proceeded to conduct a fresh draw in respect to allotment of retail outlet at village Thilor for today.

Notice of motion.

Mr. Ankur Sharma, Advocate, accepts notice on behalf of respondent no.1 and Mr. Raman Sharma, Advocate accepts notice on behalf of respondents no.2 and 3 and pray for time to file reply. May do so well before the adjourned date.

At request adjourned to 10.05.2021.

In the meanwhile, draw of lots may be carried out, but allotment of the retail outlet be not finalized till the next date of hearing.”

Mr. Raman Sharma, Advocate, on being confronted with lease deed, application form and corrected lease deed expressed his inability to controvert the fact that there seems to be some typing mistake and application of the petitioner has been rejected on the said ground.

Considering the totality of facts and circumstances, the present petition stands disposed of with a direction to the respondents to reconsider

application of the petitioner keeping in mind that there was some clerical/typing mistake in the lease deed which cannot be a ground of rejection especially when the petitioner had complied with all other requirements. The needful shall be done within 08 weeks from today.

29.02.2024
anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>