



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

**CWP No.20122 of 2024 (O&M)
Date of Decision :21.08.2024**

Raj Rani

.....Petitioner

Versus

State of Chandigarh and others

..... Respondents

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

Present : Mr. Simranjeet Singh, Advocate for the petitioner.

**Mr. Parminder Singh Kanwar, Addl. Standing Counsel
for UT Chandigarh.**

ARUN PALLI, J. (Oral):

The petitioner being successful in the draw of lots was allotted a built up booth No.125, Rehri Market, Sector-41, Chandigarh, vide letter of allotment dated 23.04.2008, for the purpose of general trade. However, owing to non-deposit of Rs.13,83,862/-, Sub Divisional Magistrate (South)-cum-Estate Officer, UT Chandigarh, vide order dated 22.08.2023, cancelled the allotment and also forfeited 10% of the amount deposited by the petitioner. Aggrieved by the said order the petitioner preferred an appeal which is pending since 2023 before the Finance Secretary-cum-Chief Administrator, UT Chandigarh, along with an application praying for stay of operation of order of cancellation dated 22.08.2023.

Learned counsel for the petitioner submits that the limited grievance that the petitioner has is: on the one hand the appeal preferred by the petitioner is not being heard and decided whereas on the other in the execution of the order of cancellation of allotment the petitioner is sought to be evicted



from the subject property. He submits that although the appeal was listed on 08.07.2024, but the matter was not heard on the said date and is now posted for 28.10.2024. Therefore, in the given circumstances, he submits that if the petitioner, in execution of the order dated 22.08.2023, is evicted from the premises, not only the appeal preferred by her would be rendered infructuous, she would also suffer an incalculable loss and injury. And, in any case, he submits that the action of the respondents-authority, in the given circumstances, is palpably erroneous, unfair and harsh.

Served with the advance copy of the petition, Mr. Parminder Singh Kanwar, Addl. Standing Counsel, for UT Chandigarh is present in Court for the respondents. At the outset, he, on instructions, submits that the appeal preferred by the petitioner would be heard and decided on or before the next date fixed in the appeal i.e. 28.10.2024. And till a formal decision is taken, the petitioner shall not be evicted from the premises in question or the order dated 22.08.2023, shall not be executed.

That being so, learned counsel for the petitioner submits that nothing substantive survives in the petition and the same be disposed of in terms of statement made by learned counsel for the respondents.

Accordingly, the petition is disposed of in terms of the statements made by learned counsel for the parties.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

21.08.2024
Manoj Bhutani

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