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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-36190-2019

Date of Decision: February 08, 2024

Prabu Dyal Sharma and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Ranjinder Singh Sidhu, Advocate
for the petitioners.

Ms.Akshita Chauhan, DAG, Punjab.

Mr.Nishant Maini, Advocate
Mr.Nikhil Singh, Advocate and
Mr.Kashmir Singh, Advocate
for respondent-MC, Kotkapura.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioners have approached this Court praying for issuance of direction to official respondents not to dislocate the petitioners illegally and forcibly from the present place where the shops are being situated for the 4-1/2 years and to allot the permanent site for construction of the shops. It is further prayed that petitioners be permitted to carry on their business at the present place during pendency of the present petition.

It has been contended by learned counsel for the petitioners that petitioners are the street vendors and carrying out their avocation from the last 4-1/2 years. He submits that without any due procedure of law, they have been evicted. He submits that representation for redressal of their grievances has also been filed by the petitioners but the same is also not

decided as yet. He submits that the petitioners have already been shifted from the existing place and they are carrying on their vends/shops at the new place.

On issuance of notice, respondents/MC appeared and filed reply on 11.12.2020. Counsel for the respondent/MC has opposed the submissions made by learned counsel for the petitioners and has submitted that respondent/MC has already passed Resolution No.69, dated 16.12.2014 whereby prayer of the petitioners granting them alternative site has already been rejected. It is submitted that the petitioners have not assailed the Resolution/order passed by the respondent/MC. He submits that petitioners had occupied the footpath illegally.

After hearing learned counsel for the parties, it is apparent that the respondent/MC had passed Resolution No.69, dated 16.12.2014, which admittedly has not been further challenged by the petitioners. It is further submitted that petitioners have already been shifted.

In view of the above position, the present petition is disposed of with liberty to the petitioners to assail the Resolution/order passed by the respondent/MC, if so advised. In case the petitioners approach the respondent/MC by way of representation, the same would be decided expeditiously in accordance with law after hearing the parties.

February 08, 2024

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1. Whether speaking/reasoned ?**2. Whether reportable ?****(RAJESH BHARDWAJ)****JUDGE****Yes/No****Yes/No**