



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.34966 of 2024
Date of Decision: 20.12.2024.

Jaswant Singh and another
.....Petitioners
Versus
The Chief Administrator, U.T. Chandigarh and others
.....Respondents

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

Present: Mr. Sanjay, Advocate for
Mr. Rajeev Sharma, Advocate
for the petitioners.

Mr. Jaivir Chandail, Addl. Standing Counsel and
Ms. Shubreet Kaur, Junior Panel counsel for
The respondent-U.T. Chandigarh.

VIKRAM AGGARWAL J.(Oral)

1. The petitioners have prayed for the following substantive
relief:-

*“Civil Writ Petition under Articles 226/227 of the
Constitution of India for the issuance of a writ in the
nature of Mandamus thereby directing the respondent
No.1 i.e. the Chief Administrator, U.T. Chandigarh to hear
and decide Appeal No.85 of 2024 titled as 'Jaswant Singh
and another Versus Sub-Divisional Magistrate (East) and
others' filed by the petitioner against the order dated
16.07.2024 (Annexure P-8) passed by the respondent No.2
i.e. Sub-Divisional Magistrate (East) exercising the powers
of the Estate Officer, U.I. Chandigarh;*

AND

*For the issuance of a writ in the nature of Certiorari
thereby quashing the impugned order dated 16.07.2024*

(Annexure P-8) passed by the respondent No.2 i.e. Sub-Divisional Magistrate (East) exercising the powers of the Estate Officer, U.T. Chandigarh and also for quashing the impugned order dated 02.12.2024 (Annexure P-12) issued by the respondent No.2 i.e. Sub-Divisional Magistrate (East) exercising the powers of the Estate Officer, U.T. Chandigarh;

AND

For the issuance of a writ in the nature of Mandamus thereby directing the respondents to allow the petitioners to make the payment of the outstanding dues as per order dated 16.07.2024 (Annexure P-8).”

2. At the outset, learned counsel for the petitioners submits that at this stage, the petitioners would restrict their claim to the first relief that has been sought by the petitioners viz expeditious hearing and decision of the appeal preferred by them which is pending before respondent No.1 (Chief Administrator U.T. Chandigarh).

3. Learned counsel representing the respondents who have caused appearance on advance copy having been served, very fairly submit that the appeal is listed for hearing in February 2025. However, in case an application is moved by the petitioners for preponement of the said appeal, the same would be preponed to some date in the earlier part of January 2025 and shall be finally decided.

4. To this, learned counsel for the petitioners submits that the requisite application for preponement of the appeal shall be moved within a period of one week from today. However, learned counsel for the petitioners has expressed another apprehension as regards dispossession from the premises in dispute pursuant to proceedings having been initiated under the Public Premises Act, 1971.

5. Learned counsel for the respondents again fairly submits that till the appeal is decided, the petitioners will not be dispossessed from the premises in question i.e. Shop No.402, Motor Market, Sector-48-C, Chandigarh.

6. Learned counsel for the petitioners is agreeable to the aforesaid course suggested by learned counsel for the parties and submits that the writ petition be disposed of in terms of the said statement given by learned counsel for the respondents.

7. Accordingly, the writ petition is disposed of in terms of the statements given by learned counsel for the parties. This Court is sanguine that the authorities shall consider the matter in the right earnest and shall pass the appropriate orders in accordance with law.

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 above, the authority concerned shall examine the concerns/grievances of the petitioners, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

December 20, 2024
Rekha

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