

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

COCP No.2409 of 2014 (O&M)

Date of decision: 06.02.2023

Shop Keepers Khokha Association

...Petitioner

Versus

Superba Dahiya and Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Som Nath Saini, Advocate for the petitioner.

Mr. Jasbir Mor, Advocate for the respondents.

ARVIND SINGH SANGWAN J. (Oral)

The petitioner alleges violation of the order dated 09.07.2013 vide which while allowing the writ petition, a direction was issued to the respondents to consider the claim of 61 persons in accordance with law and after hearing those persons by passing a speaking order and in case those persons are not eligible, then, a speaking order be passed expeditiously within a period of six months, with a further direction that after final decision, the allotment be made and possession be delivered to the allottees as per law.

Successive affidavits of the respondents have been filed in which it is stated that the speaking order has been passed with regard to the petitioners, who have not made the payment as per letter of allotment.

Today again the details of the allotment has been filed, in which it is stated that out of total 238 sites, possession of 190 sites have been delivered and the allotment of 15 sites have been cancelled due to non-payment of costs of site as per the terms and conditions of

allotment and therefore, no possession was handed over and 13 sites are under litigation as the legal representatives of the original allottees are fighting amongst themselves with regard to the property wherein the possession can be handed over after finalizing all the litigation before the Civil Court. It is further stated that 20 persons to whom the possession is to be handed over is on account of the various reasons as explained in the same. It is also stated that in some cases, the original allottees have expired and multiple persons have come forward to stake their claims and therefore, they will be doing the needful as per the order of the Court.

In view of the above and the disputed facts, no willful disobedience is made out.

Accordingly, the present petition is disposed of having been rendered infructuous.

However, liberty is granted to the petitioner to avail the alternative remedy in accordance with law, if so advised.

(ARVIND SINGH SANGWAN)
JUDGE

06.02.2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No