

2025.PHHC.067632-DB



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

**CWP-4678-2023 (O&M)**

**Date of decision: 08.05.2025**

SANJIV KUMAR

.....Petitioner

Versus

STATE OF U.T. (THROUGH ADVISER TO ADMINISTRATOR) &  
ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Shivam Bansal, Advocate  
for the petitioner.

Mr. Amit Jhanji, Senior Standing Counsel, U.T,  
Chandigarh with Mr. Sumeet Jain, Advocate  
for the respondents.

**SUDHIR SINGH, J.**

The petitioner has sought issuance of a writ in the nature of Certiorari quashing the impugned order dated 27.01.2021 (Annexure P-10) passed by the Managing Director, Chandigarh Industrial and Tourism Development Corporation Ltd., whereby the allotment of shed No.8, Village Mauli Jagran, U.T., Chandigarh was cancelled with a direction to handover its vacant possession within 7 days and further quashing of the orders dated 08.04.2021 (Annexure P-12) and 27.01.2021 (Annexure P-13), whereby the appeal and revision filed by the petitioner, were dismissed.

2. It is the case of the petitioner that industrial shed No.8, Village Mauli Jagran, Union Territory, Chandigarh, was allotted to Smt. Renu Garnaal vide letter dated 31.01.1992 on lease hold basis for

a period of 99 years for the trade of tailoring. The petitioner claims himself to be the Sub-General Power of Attorney (GPA) of Smt. Renu Garnaal (the original allottee). The petitioner has pleaded that one Mr. Ashwani Mittal, an old acquaintance and a close friend of the petitioner, had approached him to let the latter the aforesaid shed for a short period to run a liquor vend therefrom. The petitioner orally agreed to allow the said Ashwani Mittal to run his liquor vend from the aforesaid premises till the time he found a suitable place to run it. When the petitioner had been persuading the said Ashwani Mittal to vacate the aforesaid premises, he was issued a show cause notice dated 09.09.2020 by the CITCO. Another notice dated 25.09.2020 was issued by the CITCO making a mention of their earlier show cause notice issued on 09.09.2020, whereby the allottee was directed to close the liquor vend within 3 days of the said notice and accordingly, the allottee was called for personal hearing on 01.10.2020. The petitioner replied to the said notice on 06.10.2020. Another notice for personal hearing was issued to the allottee/petitioner on 16.10.2020. The aforesaid notices were challenged by the petitioner by way of a civil suit. However, in the meantime, the respondent-authorities again issued the notice dated 03.11.2020 but, the petitioner could not appear due to his ill health owing to COVID 19 Pandemic. The allottee/petitioner was given last opportunity to appear before the respondent-authorities on 05.01.2021, but he could not appear due to his illness and, thus, without considering the request of the petitioner to grant him more time, the Managing Director, Chandigarh Industrial & Tourism

Development Corporation Limited, vide order dated 27.01.2021 (Annexure P-10) cancelled the allotment of the aforesaid shed. Aggrieved their-against, the petitioner filed an appeal before the Chief Administrator, Union Territory, Chandigarh, but the same was dismissed vide order dated 08.04.2021 and even the revision against the said order was also dismissed by the Adviser to the Administrator, Union Territory, Chandigarh vide order dated 16.09.2022.

3. Learned counsel for the petitioner has vehemently argued that the cancellation of any unit or shed is the last resort with the administrative Authorities and in the instant case, the allotment of the shed has been cancelled without considering the said legal aspect. It is further argued that the petitioner had duly explained the reason before the Authorities that the shed in question had been used for running a liquor vend by Ashwani Mittal, a close friend of the petitioner, who had been so granted the said premises due to the constrained circumstances at his end. It is, thus, argued that the impugned order is very harsh and rather, the respondent-authorities ought to have imposed penalty upon the petitioner/allottee for having used the premises for a trade other than that for which it was allotted.

4. On the other hand, learned counsel appearing for the respondent No.2-CITCO, has vehemently contended that the petitioner/original allottee was given sufficient time and opportunity to appear before the Authorities before the cancellation of the shed in question and explain the circumstances for violation of the terms of the allotment letter. It is further argued that as per the case of the

petitioner, the shed in question had been let out/given to one Ashwani Mittal for running the liquor vend and, therefore, in view of the admitted position on the part of the petitioner, the authorities had rightly cancelled the allotment of the aforesaid shed. Thus, it is prayed that no indulgence is called for in the instant writ petition.

5. We have heard learned counsel for the parties and have also gone through the paper book.

6. The only question that arises for consideration in the present writ petition is whether the respondent-authorities are justified in cancelling the allotment of the shed in question.

7. The facts on record depict that the allottee of the shed in question is Smt. Renu Garnaal. The said allottee was said to have executed GPA in the name of one Vinay Kumar, who had further executed a Sub GPA in favour of Sanjiv Kumar i.e., the present writ petitioner. As per the allotment letter dated 31.01.1992, the shed in question was allotted for the trade of tailoring-industry under the scheme of Nucleus Centre. As per Clause 5 of the said allotment letter, the shed in question was to be utilized for the purpose for which it was allotted. The said clause reads as under:-

“5. That you will start production in the shed within a period of 6 months from the date of allotment subject to grant of one extension for a maxim period of six months, if so recommended by the Department of industries, Union Territory, Chandigarh by

completing the formalities, such as Registration with District industries Center/Director General Technical and Development, as the case may be, getting N.O.C. from the Central Pollution Control Board, Chandigarh and submission of application for power connection. It may, however, be noted that in case at any stage you are unable to utilize the industrial shed for industrial purpose, the allotment shall stand terminated and the shed shall revert back to the Corporation.”

8. It has been found by the respondent-authorities that the petitioner claimed himself to be the Sub GPA of the original allottee and had given the premises in question for operating liquor vend. It was, thus, found that the petitioner had no right, title or interest over the property and as such the revision petition was dismissed being devoid of any merit. The revisional Authority in its order dated 16.09.2022 has observed as under:

“Keeping in view the facts and circumstances of the case. I have come to the conclusion that the site in question was allotted under the scheme know as Nucleus Centre and the purpose of the scheme is to start of tailoring industry which the allottee

had failed to do the same instead of starting tailoring industry, the allottee had failed to do the same. Instead of starting tailoring industry, the allottee had executed GPA in the name of Sh. Vinay Kumar son of Sh. Niranjana Lal who has further given the premises in question for operating liquor vend. This is totally against the law and rules laid down under the scheme. Also the building violations are still existing at the site in question. The impugned order dated 27.01.2021 passed by Managing Director, CITCO shows that the provisional allotment letter of shed in question has been withdrawn/cancelled under Clause No.5 of the letter. Thus, the present petitioner has no right, title or interest over the property and as such the revision petition deserves to be dismissed. Hence, the present revision petition is dismissed being devoid of merits.

However, the Managing Director, CITCO is directed to enquire the matter that since the original allottee failed to start tailoring industry till date then why action has not been taken at the relevant time against her as required under the law. Also, no action has

been taken against the allottee after issuing show cause notice dated 04.12.2013 on various grounds and why the Department remained silent for 7-8 years. After making proper inquiry take action against the erring officers/official of the Department.”

9. In our opinion, the petitioner has no cause to seek the indulgence from this Court. Firstly, it is the admitted case of the petitioner that he had given the premises in question for running a liquor vend by one Ashwani Mittal, which is in an apparent violation of Clause 5 of the allotment letter. Once, it is the pleaded case of the petitioner himself that the shed in question had been used for running a liquor vend instead of the original purpose of tailoring business, for which it was allotted, the petitioner could not be heard saying that the allotment of the shed has wrongly been cancelled. Secondly, the petitioner claims himself to be the Sub GPA of the original allottee. All the show cause notices had been issued in the name of the original allottee, yet she did not choose to appear before the Authorities and rather, it was the petitioner who was appearing to contest the litigation before the respondent-authorities. Even if the petitioner was a Sub-GPA of the allottee, then also he could not be allowed to act against the terms of the allotment letter. The very terms of the allotment letter show that it was a provisional allotment letter and once, the allottee has violated the terms of the allotment, he/she has no right to plead that the allotment has wrongly been cancelled by the respondent-authorities.

10. In view of the above, while answering the question framed against the petitioner, it is held that the respondent-authorities have rightly cancelled the allotment of the shed in question. Accordingly, finding no merit in the present writ petition, the same is hereby dismissed.

11. In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

12. Pending application(s), if any, shall also stand disposed of.

**[ SUDHIR SINGH ]**  
**JUDGE**

**[ALOK JAIN]**  
**JUDGE**

08.05.2025

himanshu

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No