
(2009) 04 P&H CK 0303
In the Punjab And Haryana At Chandigarh

Brij Mohan Sharma

APPELLANT

Vs

Chd. Admn. and Others

RESPONDENT

Date of Decision : 23-04-2009

Acts Referred:

Citation : (2009) 04 P&H CK 0303

Hon'ble Judges : Surya Kant, J

Bench : Single Bench

Judgement

Surya Kant, J.—The petitioner seeks quashing of the order dated 21.12.2006 (Annexure P-10), whereby his claim for allotment of a booth on the basis of Hawker's license of his deceased mother has been turn down. The petitioner also seeks quashing of the orders passed by the the Appellate and Revisional Authorities.

2. After hearing learned Counsel for the parties at some length, this Court passed the following order on 02.02.2009:

During the course of hearing, it transpires that the petitioner is claiming the allotment, being a dependent and one of the legal heirs of the deceased-licensee, namely, his mother. Prima facie, the expected family income would mean the income of the petitioner-applicant, his spouse or children. In other words, it cannot include the income of other legal heirs of the deceased-licensee who are not the applicants nor were dependents upon the deceased and have their own independent source of livelihood/income.

Let the claim of the petitioner be accordingly re-considered by the respondents, especially keeping in view the instances referred to in Annexure P-11, before the next date of hearing.

3. In deference thereto, Sh.K.K.Gupta, learned Counsel for the respondent-U.T has placed on record a copy of the order dated 16.03.2009 passed by the Assistant Estate Officer, U.T., Chandigarh whereby the claim of the petitioner for allotment of the built up booth has been held to be genuine and he has also been

found working on the site allotted to his mother. The Assistant Estate Officer has concluded that the petitioner is fully eligible for the aforesaid allotment and accordingly has recommended to consider the petitioner's claim for transfer of Hawker's license in his name and the allotment of booth under the Scheme.

4. Learned Counsel for the respondent states that in view of the fact that the petitioner has been found eligible, the consequential actions including transfer of Hawker's license or allotment of booth under the Scheme, shall be taken as early as possible.

5. In this view of the matter, the writ petition has been rendered infructuous and the same is accordingly disposed of.

6. Till the allotment and delivery of possession of the booth to the petitioner, he may be allowed to work at the present site.

7. Disposed of.

8. Let a copy of this order be given dasti on payment of usual charges.