(1997) 05 P&H CK 0040

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 10104 of 1988

Shiv Wood Works		APPELLANT
	Vs	
Chief Administrator, Faridabad Administration and Others		RESPONDENT

Date of Decision: May 6, 1997

Acts Referred:

- Constitution of India, 1950 - Article 226

Citation: (1998) 118 PLR 278 : (1997) 4 RCR(Civil) 363

Hon'ble Judges: V.K. Jhanji, J

Bench: Single Bench

Advocate: Arun Walia and R.S. Longia, for the Respondent

Final Decision: Dismissed

Judgement

V.K. Jhanji, J.

This shall dispose of Civil Writ Petitions No. 10104 to 10109 of 1988 and 10145 to 10148 of 1988.

2. In these writ petitions, petitioners have called in question the action of the respondents in demolishing the Stalls and dispossessing them. It is the case of the petitioners that they had been carrying on the business of selling timber on the sites in dispute at Faridabad for the past several years. They have averred that they are doing the business and are earning their livelihood, and are having Sales Tax Numbers/Electricity/Small scale industry Licences. They have alleged that respondents without serving any notice on them have demolished part of their stalls on 26.9.1988. They have further alleged that the act of the respondents is without jurisdiction and authority of law. Petitioners have averred that by evicting them from their place of business without giving them alternative place first to carry on business and without formulating any scheme for carrying on business would be depriving them of their livelihood, which is violative of Article 21 of the Constitution

of India and contrary to Directive Principles of State Policy.

3. At the time of motion hearing, on a prayer made by counsel for the petitioners status quo regarding possession was ordered to be maintained.

4. In response to notice of the petitions, written statement has been filed by the respondent through Sh. Sanjiv Kaushal, IAS, Chief Administrator, Faridabad Complex Administration, Faridabad. It has been averred there in that petitioners have encroached upon a part of the public street near Government Girls High School No. 2 for running their business of sale of timber, and the said encroachment was removed by the Faridabad Complex Administration on 26.8.1988. It has been stated that the action of the respondent is not violative of any legal or constitutional right of the petitioners.

5. These writ petitions are on the daily cause list since December, 1996, On one date of hearing, Ms. Meera Bhatia, Advocate, had appeared on behalf of the petitioners. After addressing arguments in part, she sought an adjournment on the plea that the petitioners have made representations to the respondent for allotting them alternative sites and she wanted to seek instructions with regard to decision, if any, taken by the respondent on the representations filed by the petitioners, Though at her request the case was adjourned, but till date neither any representation has been filed on record nor the Court has been informed with regard to any decision given on the representations of the petitioners. The case is being repeatedly shown in the daily cause-list, but no one has come forward to argue the writ petitions. On going through the writ petition and the interim order which the petitioners had obtained way back in 1989,1 am of the view that the sole purpose of the petitioners in filing the present writ petitions is to gain unlawful possession over the public street which they had illegally encroached upon. Petitioners are rank trespassers. They have no right, title or interest in the sites in their occupation. Interest or right not shown to be in existence cannot be protected by this Court in exercise of jurisdiction under Article 226 of the Constitution of India. Consequently, these writ petitions are to be dismissed with costs. It is so ordered. Costs are quantified at Rs. 2000/- in each. writ petition.