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SLP(C)No. 13395 OF 2000
ITEM No.202

Court No. 3

SECTION IVB
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13395/2000
(From the judgement and order dated 04/08/2000 in CR 2450/00
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SOM NATH & ORS.

Petitioner (s)

VERSUS

MATA MANSA DEVI POOJA STHAL BOARD & ORS.
(With prayer for interim relief)
(For Final Disposal)

Respondent (s)

Date : 12/03/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)Mr. G.C. Grag Dhanriwala, Adv.
M/s M.P. Jha, Ram Ekbal Roy,Harshvardhan Jha
and Ms. Naresh Bakshi, Advs.

For Respondent (s)
For RR Nos. 2 & 3Mr. J.P. Dhanda, Adv.
Ms. Raj Rani Dhanda, Adv.
Mr. Vineet Dhanda, Adv.

For RR No.1 Mr. Mukul Rohtagi, ASG.
M/s Neeraj Kumar Jain, Saurabh Kirpal,
Aditya Kumar Chaudhary, Bharat Singh,
Sanjay Singh and Ugra Shankar Pd., Advs.

UPON hearing counsel the Court made the following

O R D E R

The petitioners are in occupation of makeshift shops made available to them by the Shri Mata Mansa Devi Shrine Board which is a statutory authority. To accommodate the petitioners, the Haryana Urban Development Authority developed a shopping complex wherein shops have been

allotted to the petitioners. The petitioners are not inclined to shift to the shops which have been allotted to them because they are at a little distance from the temple; instead, they are insisting that the allotments may be made out of those shops which are closer to the temple. The learned counsel for the Board stated that the petitioners have been accommodated in the shops at the shopping complex in view of their previous occupation of certain shops wherefrom they were evacuated and shifted to makeshift shops. So far as the shops closer to the temple are concerned, they are proposed to be disposed of by holding open auction and therein the petitioners are also free to participate, submitted the learned counsel.

The petitioners filed a civil suit for declaration of title and for preventive injunction. They sought for an ad interim injunction protecting their possession over makeshift shops which has been refused as they did not have a prima facie case and balance of convenience in their favour. The order has been maintained in appeal. The civil revision preferred by the petitioners has also been dismissed by the High Court.

Having heard the learned counsel for the parties, we are satisfied that the order of the High Court does not call for any interference. The special leave petition is, accordingly, dismissed.

KALYANI

(RADHA R. BHATIA)
COURT MASTER