

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

Date of decision:18.03.2015.

Daya Shanker

.....Petitioner

v.

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR.JUSTICE JASWANT SINGH

Present:- None for the petitioner.

Mr.Shivendra Swaroop,AAG Haryana for respondents

Jaswant Singh,J.(Oral)

CM 14107/2014 moved by petitioner to place on record application on Form L (Annexure P5), copy of reply(P-6) and copy of application (Ex.A-3) and P-7 statement of Lachhman Singh,is allowed and said documents are taken on record.

Main Case.

Petitioner-landlord filed the present writ petition under Articles 226/227 of the Constitution for issuance of a writ of certiorari for quashing the orders dated 26.8.1986(P-1), 28.9.1987(P-2) and 22.4.1988 (P-3) passed by Assistant Collector Ist Grade,Sonepat; Collector Sonepat and Commissioner, Ambala Division respectively whereby his application for eviction of tenants (respondents 2 to 4 herein) for non-payment of rent for the crops Kharif 1982 to Rabi 1985 without sufficient cause, was dismissed and findings affirmed in appeal and revision filed by the petitioner.

At the time of hearing none has caused appearance on behalf of the petitioner.

It stands proved on record that one Kanta Parsad used to collect the rent from the respondents on behalf of the landowner-petitioner. Said Kanta Parsad used to live in Delhi and also died in Delhi on 14.10.1984. After the death of said Kanta Parsad respondents did not know as to whom the rent was to be paid as said Kanta Parsad had not authorised anyone else for the purpose of collecting rent. Petitioner could not prove before the authorities that during his lifetime Kanta Parsad had gone to collect the rent between years 1982 to 1984 but was refused by respondents. It has further come on record that prior to petitioner's moving an application for eviction on the ground of non-payment of rent for sufficient cause, the respondents had moved an application before the Assistant Collector IInd Grade, Sonapat for deposit of the rent. In these circumstances, the authorities below have rightly held that petitioner/landlord failed to inform the respondents regarding the death of Kanta Parsad.

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

18.03.2015.
joshi

(Jaswant Singh)
Judge