

CWP No.8678-2001

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

CWP No.8678-2001 (O & M)

Date of Decision: 10.12.2015

Dashmesh Steel Rolling Mills

... Petitioner(s)

Versus

Municipal Committee, Mandi Gobindgarh

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. J.S.Toor, Advocate,
for the petitioner.

Mr. Harsh Chopra, Advocate for
Mr. T.S.Gujral, Advocate,
for the respondent.

Paramjeet Singh, J.

Instant writ petition has been filed under Articles 226 and 227 of the Constitution of India for setting aside the order dated 19.11.1996 (Annexure P-1) passed by the Collector, Sub Division, Amloh whereby petitioner has been ordered to be evicted from the disputed property, as mentioned in para no.2 of petition, under the provisions of Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (in short, 'the 1973 Act') and the order dated 24.05.2000 (Annexure P-2) passed by by the Additional Commissioner (Appeals), Patiala Division, Patiala whereby appeal preferred by the petitioner impugning the order dated

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19.11.1996 (Annexure P-1), has been dismissed.

Brief facts of the case are to the effect that respondent-Municipal Committee, Mandi Gobindgarh filed a petition against the petitioner-M/s Dashmesh Steel Rolling Mills for delivery of possession with regard to the property bounded as under:

East	:	116' Dharamshala Balu Ram
West	:	122'-2" Primary School, Vishavkarma Steel Rolling Mill
North	:	134' Property of Municipal Committee, Mandi Gobindgarh
South	:	134' Civil Hospital, Ward No13, Mandi Gobindgarh, Tehsil Amloh, Distt. Fatehgarh Sahib.

The aforesaid petition was moved on the ground that Municipal Committee, Mandi Gobindgarh is the owner of the disputed property and the present petitioner is in illegal possession of the same. After considering the evidence led by the parties, the Collector, Sub Division, Amloh directed the present petitioner to vacate the disputed land within one month, vide impugned order dated 19.11.1996 (Annexure P-1). Feeling aggrieved, the petitioner preferred an appeal before the Additional Commissioner (Appeals), Patiala Division, Patiala which has been dismissed vide impugned order dated 24.05.2000 (Annexure P-2). Hence, this writ petition.

I have heard learned counsel for the parties and perused the record.

Initially, suit for permanent injunction was filed by the petitioner in the year 1974 restraining the respondent from dispossessing

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it (petitioner) from the disputed property. The aforesaid suit was dismissed vide judgment and decree dated 21.09.1978, however, appeal preferred by the petitioner was allowed and suit was accordingly decreed vide judgment and decree dated 12.12.1979 by the lower Appellate Court. Feeling aggrieved, the present respondent filed R.S.A. No.911 of 1980 impugning the judgment and decree passed by the lower Appellate Court.

On 02.07.2001, instant writ petition was admitted and it was ordered to be heard along with the aforesaid RSA No.911 of 1980.

It is pertinent to mention here that the aforesaid RSA No.911 of 1980 has been decided by this Court, vide decision rendered on 04.01.2006, reported as **2006(2) R.C.R. (Civil) 407**. The rights of parties have been determined by this Court vide judgment dated 04.01.2006 which is stated to have become final upto the Hon'ble Supreme Court. Once there is a finding recorded by this Court that possession of the petitioner over the disputed property is unauthorized and the property vests in the respondent-Municipal Committee, this Court is of the view that the impugned orders (Annexures P-1 and P-2) have been rightly passed.

In view of above discussion, I do not find any merit in the instant petition.

Dismissed.

10.12.2015

parveen kumar

**(Paramjeet Singh)
Judge**