

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

CWP No. 10731 of 2013.
Date of Decision : 16.11.2015.

Satinder Mohan Singh

...Petitioner

Versus

Gurudwara Baba Gandha Singh Ji Barnala and others

...Respondents

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. Rakesh Chopra, Advocate for the petitioner.

Mr. P.S. Thiara, Advocate
for respondents No. 1 and 2.

Paramjeet Singh, J.(Oral)

The instant writ petition has been filed for setting-aside the petition filed under Sections 3, 5, 9 and 11 of Punjab Religious Premises Land (Eviction and Rent Recovery) Act, 1997 (Annexure P-1), notice dated 05.06.2012 (Annexure P-2) and order dated 21.11.2012 (Annexure P-3) passed by Collector Patiala i.e. respondent No. 3, whereby the application has been dismissed as not maintainable.

I need not narrate the entire facts of the case. However, the relevant facts are to the effect that respondent No. 1 filed an application under Sections 3, 5, 9 and 11 of

Punjab Religious Premises Land (Eviction and Rent Recovery) Act, 1997 for eviction of the petitioner. During pendency of that application, an application dated 07.08.2012 was moved by the petitioner for dismissing the main application on account of non-maintainability as the respondent No. 1 has also filed application under Section 13 of the East Punjab Urban Rent Restriction Act for ejectment of the petitioner due to non-payment of rent.

Now the question which arises for consideration in the present petition is whether the order on an application for maintainability of a petition for eviction is required to be a speaking order. Application has been dismissed vide impugned order dated 21.11.2012 (Annexure P-3) by saying 'Application dismissed'. No reason has been recorded. The reasons are the heart beat of any order or judgment. Providing of reasons can never be dispensed with. The impugned order is non-speaking and devoid of reasons is not sustainable in the eyes of law.

In view of this, order dated 21.11.2012 (Annexure P-3) is set-aside. Respondent No. 3 is directed to pass a fresh speaking order within one month from the date of receipt of certified copy of this order.

Disposed of.

November 16th , 2015.
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(PARAMJEET SINGH)
JUDGE