

CWP No. 21615 of 2011

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21615 of 2011
Date of Decision : 05.10.2015

Brij Bhushan Chabra and others ..Petitioners

Versus

Commissioner, Rohtak 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. Tejinder Pal Singh, Advocate for the petitioners.

Mr. Rajneesh Chadwal, D.A.G., Haryana.

Mr. P.S. Poonia, Advocate for respondent No. 3.

Paramjeet Singh, J.(Oral)

The instant writ petition has been filed under Article 226 of the Constitution of India for quashing the order dated 01.02.2010 (Annexure P-1) passed by respondent No. 2 and order dated 17.10.2011 (Annexure P-3) passed by respondent No. 1.

In short, the petitioner has been ordered to be evicted on an application filed by respondent No. 3 under Sections 5 and 7 of the Haryana Public Premises and Land

(Eviction and Rent Recovery) Act, 1972, on account of non-renewal of lease and subletting. The order of eviction has been upheld by both the Courts below i.e. the Collector and the Commissioner, Rohtak Division, Rohtak.

Learned counsel for the petitioners states that he may be allowed to withdraw the present petition with liberty to make a representation to respondent No. 3 to re-consider the matter and induct the petitioners as licencees or in the alternative renew their licences.

Learned counsel for respondent No. 3 has submitted that though the petitioners cannot claim renewal of licence as a matter of right, but in case, any such representation is made, respondent No. 3 shall consider it in accordance with law and if feasible, may keep the petitioners as tenants.

It has also been pointed out by the learned counsel for the petitioners that in pursuance of the order dated 22.11.2011 passed by a Co-ordinate Bench of this Court, a sum of ₹5 lacs has already been deposited and the petitioners are also paying ₹2500/- per month in pursuance of the order dated 22.11.2011, which is reproduced as under :-

“Notice of motion for 13.02.2012.

Interim stay on condition that the petitioners pays ₹5 lacs within a period of 4 weeks from today to the 3rd respondent, towards his liability to the 3rd respondent, failing which, the stay shall stand vacated. The amount is determined provisionally

considering the fact that the property fetched a lease of ₹740/- per month in the year 1998. This payment shall not be construed as determining the issue of the petitioners' entitlement to continue in possession or treat them as tenants. They will be independently considered in the writ petition. This shall again be subject to the outcome of the modification that the Court may make on the application filed by the respondents.

The petitioners pay ₹2500/- every month from today apart from the amount mentioned above.

Adjourned to 13.02.2012.

To be heard along with CWP No. 11634 of 2010."

In view of the aforesaid submissions, the present petition is dismissed as withdrawn with liberty to the petitioners to make representation to the respondents within one month from today. The respondent No. 3 is directed to consider the representation and while doing so, he shall not be influenced by the order of this Court and shall take independent decision in accordance with law. The amount which has been deposited by the petitioners shall be adjustable towards the amount that may be found due against them in accordance with law.

October 05, 2015.
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(PARAMJEET SINGH)
JUDGE