

CWP No.20378 of 2014

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

CWP No.20378 of 2014 (O&M)
Date of decision: 23.04.2015

Satnam Singh

....Petitioner

Versus

Deputy Commissioner, Amritsar 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. V.K. Sandhir, Advocate, for the petitioner.
Mr. M.C. Berry, Advocate, for the M.C., Amritsar.
Mr. K.S. Sidhu, DAG, Punjab.

PARAMJEET SINGH, J. (ORAL)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 12.01.2014 (Annexure P-4) passed by respondent No. - 2 Deputy Director, Local Government, Punjab, Amritsar, exercising the powers of Collector under Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as “the PP Act”) and order dated 16.09.2014 (Annexure P-9) passed by respondent no.1- Deputy Commissioner, Amritsar, exercising the powers of Commissioner under the PP Act.

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Brief facts of the case are that Municipal Corporation, Amritsar filed an application for eviction of the petitioner alleging him to be in unauthorized possession of the public property as defined under the provisions of the PP Act. Deputy Director, Local Government, Punjab, Amritsar, exercising the powers of Collector under the PP Act, after appreciation of evidence on record, allowed the application moved by Municipal Corporation vide order dated 12.01.2014 (Annexure P-4) and petitioner was directed to hand over the vacant possession of the property in dispute to the Corporation within 30 days. Aggrieved against the order passed by Collector, petitioner preferred an appeal before the Deputy Commissioner, Amritsar, exercising the powers of Commissioner under the PP Act, which has been dismissed vide order dated 16.09.2014 (Annexure P-9) and order passed by Collector has been upheld. Hence, this writ petition.

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

Learned counsel for the petitioner vehemently contended that property in question is *Akhara* property and is not the ownership of the Municipal Corporation.

On the other hand, learned counsel for the Municipal Corporation contends that property in question is the ownership of Municipal Corporation. Impugned orders passed by authorities below are legal and valid. Petitioner has rightly been ordered to be evicted

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from the disputed property.

I have considered the contentions raised by learned counsel for the parties.

Perusal of record clearly shows that property in question being *Nazool* property vests under the management and control of Municipal Corporation, Amritsar. Petitioner has failed to prove before the authorities below regarding his tenancy as well as tenancy of his father. No order with regard to tenancy/licensee of disputed land/shop in favour of the petitioner has been placed on record, which clearly shows that petitioner is in unauthorized possession of the shop in question.

Concurrent findings of fact have been recorded by authorities below. No ground for interference is made out.

Dismissed.

(Paramjeet Singh)
Judge

April 23, 2015
R.S.