

CWP No.20380 of 2014

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

CWP No.20380 of 2014 (O&M)

Date of decision: 23.04.2015

Vinod Kumar

....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 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 11.02.2014 (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 02.09.2014 (Annexure P-6) passed by respondent No.1- Deputy Commissioner, Amritsar, exercising the powers of Commissioner under the PP Act.

I have heard learned counsel for the parties and perused the

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record.

Learned counsel for the petitioner contends that originally the application under the provisions of the PP Act has been filed against a dead person i.e. Hans Raj. As such, any order passed on the application against a dead person is nullity. The petition for eviction itself is not maintainable against a dead person.

Learned counsel for respondent No.3 has admitted that the application for eviction has been filed against a dead person i.e. Hans Raj, father of the petitioner. So the impugned order which is passed against a dead person is nullity.

In view of above, impugned orders are set aside. Case is remanded to the Collector, Amritsar. Municipal Corporation, Amritsar will be at liberty to implead the LRs of deceased Hans Raj. It is made clear that service upon the petitioner i.e. son of Hans Raj shall be deemed to have been effected as he is pursuing his remedy before this Court. Parties, through their counsel, are directed to appear before the Collector on 12.5.2015. Thereafter, Collector shall pass appropriate order in accordance with law within two months.

Disposed of.

(Paramjeet Singh)
Judge

April 23, 2015
R.S.