

CWP No.20382 of 2014

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

CWP No.20382 of 2014 (O&M)

Date of decision: 23.04.2015

Sukhwinder 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-8) passed by respondent no.1- Deputy Commissioner, Amritsar, exercising the powers of Commissioner under the PP Act.

Brief facts of the case are that Municipal Corporation,

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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-8) 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 petitioner is licensee/tenant in the shop in question and original allottee is running the shop in the premises. Learned counsel for the petitioner further contends that entire rent has been paid under the directions of this Court.

On the other hand, learned counsel for the Municipal Corporation contends that property in question is the ownership of Municipal Corporation. Petitioner was inducted as licensee in the

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demised premises. He has violated the terms and conditions of the licence. Therefore, petitioner has been rightly ordered to be evicted from the shop in question.

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

Once the petitioner has admitted the relationship of licensor/licensee, he was required to pay rent/license fee of the disputed property at the enhanced rate from time to time as per the Government instructions, however, he has violated the instructions issued by the Government. Categorical finding has been recorded by authorities below to the effect that petitioner was licensee and he has further handed over the possession to respondents No.4 and 5 and made additions and alterations without permission of the Municipal Corporation, which is clearly visible from the photographs on record.

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.