

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

CWP No. 8268 of 2011

Date of decision : 20.01.2015

Avtar Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. C.S. Jattana, Advocate for
Mr. S.K. Bawa, Advocate for the petitioner.

Mr. Yatinder Sharma, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner has sought a writ in nature of certiorari for setting aside orders Annexures P13, P15 & P17 dated 11.03.2008, 10.02.2010 & 30.11.2010 respectively whereby his eviction from the land has been ordered.

Learned counsel for the petitioner has assailed the orders. He submits that State of Punjab executed a conveyance deed in favour of Surjit Kaur with regard to land in dispute and thus, eviction of the petitioner under the Public Premises Act could not have been initiated in whose favour Surjit Kaur made a Will. According to him, petitioner is in possession of land since very long and cannot be dispossessed on flimsy grounds. Thus, impugned orders are unsustainable.

Plea has been vehemently opposed by learned State counsel. According to him, petitioner has been in illegal occupation of the land for a very long time and enjoyed usufruct thereof without any legal right. Moreover, conveyance deed on which

petitioner has placed reliance was cancelled in the year 2008 and petitioner did not filed any appeal against the same.

Heard.

Respondent no. 4 filed an application under section 4 & 5 of Punjab Premises and Land (Eviction and Rent Recovery) amended Act 2000 seeking ejectment of the petitioner from the land in question, he being in illegal occupation thereof. On 11.03.2008, respondent no. 6 directed ejectment of the petitioner from the land. Petitioner preferred appeal before the appellate authority which was dismissed on 10.02.2010. The order was unsuccessfully challenged before the revisional authority. Aggrieved, instant petition has been filed.

I find no infirmity with the orders. It is evident that land in question is owned by Punjab Govt. Authorities below after hearing the parties and perusing evidence on record directed ejectment of petitioner from the land in question being unauthorized occupant. Besides, respondents no. 3 & 4 in their reply have stated that conveyance deed on which petitioner has placed reliance was executed in connivance with the official of revenue department against whom departmental action was initiated and charge-sheet was served. Learned counsel for the petitioner has been unable to point out any infirmity with the orders passed. There is, thus no ground to interfere in writ jurisdiction. Dismissed.

Deputy Commissioner, Patiala to take necessary steps to ensure that orders passed under the Act are implemented. A report be submitted within two months from today.

January 20, 2015

(RAJAN GUPTA)
JUDGE