

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

CWP No.26752 of 2014

Date of decision:6.1.2015

Sarban Singh

....Petitioner

VERSUS

U.T. Chandigarh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vijay Rana, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to an order passed on 18.02.2013 by the Chief Administrator, Union Territory, Chandigarh, in proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, whereby the appeal filed by the petitioner was dismissed.

As per the record, the site in question was allotted to the petitioner on 29.11.1965 but on account of failure of the petitioner to comply with the terms and conditions of the allotment, the site was resumed on 22.04.1972. The further appeal and revision was also dismissed. The challenge to such orders remained unsuccessful before this Court in CWP No.5628 of 2007 titled Sarban Singh v. Chandigarh Administration and others, decided on 19.04.2007. Subsequently, the petitioner filed a review petition which was dismissed as withdrawn on 05.09.2009 when the following was passed:-

“After arguing the matter at some length, learned counsel for the applicant seeks leave to withdraw the review application reserving

liberty for the applicant to seek such other redress as may be open to him under the law.

The review application is accordingly dismissed as withdrawn with the liberty prayed for.”

The grievance of the petitioner is that the petitioner applied for restoration of the ownership vide representation dated 15.09.2009 (Annexure P-13) but no orders have been passed on such representation. Therefore, the order of eviction passed against the petitioner is not sustainable in law.

We do not find any merit in the argument raised. After the resumption order had attained finality with the dismissal of the writ petition on 19.04.2007, the liberty sought by the petitioner cannot be treated as a window for reopening of the resumption proceedings. It was a statement made by the counsel for the petitioner to withdraw the review application but liberty to take redress as may be open to him under the law does not mean that the resumption order which had attained finality can be put to question before the authorities itself.

In view thereof, we do not find any merit in the present writ petition.

Dismissed.

(HEMANT GUPTA)
JUDGE

JANUARY 6, 2014
‘D. Gulati’

(HARI PAL VERMA)
JUDGE