

CWP-26409-2015

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

CWP-26409-2015

Date of Decision: 18.12.2015

Gurcharan Singh

... Petitioner(s)

Versus

The District Development and Panchayat Officer and another

... Respondent(s)

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. C.M.Munjal, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 27.11.2015 (Annexure P-7) passed by respondent No.1 whereby application filed by the petitioner for deciding the main application after framing issues has been dismissed.

Brief facts of the present case are to the effect that respondent No.2-Gram Panchayat filed application for eviction of the petitioner under Sections 4, 5 and 7 of the Punjab Public Premises (Eviction & Rent Recovery) Act, 1959 (in short, 'the Public Premises Act') and Section 7 of the Punjab Village Common Lands Act. During

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the pendency of proceedings, the petitioner moved application for framing the issue of ownership with regard to the disputed property, the said application has been dismissed by respondent No.1 vide impugned order dated 27.11.2015 (Annexure P-7) on the ground that proceedings are of summary in nature and no issue is required to be framed. Hence, this petition.

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

Admittedly, proceedings before the Collector under the Public Premises Act are of summary in nature and no issue is required to be framed and the authorities are not required to deal with the case like a trial in a suit. Reliance in this regard can be placed upon ***Balwant Rai vs. Zila Parishad, Ludhiana and others*** 2010(5) R.C.R. (Civil) 328. However, this Court has no doubt that before passing the final order, the Collector will consider who is the owner of the property in dispute.

In view of above, I do not find any illegality or perversity in the impugned order.

Dismissed.

18.12.2015
parveen kumar

(Paramjeet Singh)
Judge