

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

CWP No.3048 of 2015

Date of Decision: 21.02.2015

Balwinder Singh & others

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. K.S.Sidhu, Senior Advocate, with
Mr. A.S.Sandhu, Advocate, for the petitioners.

HEMANT GUPTA, J. (ORAL)

The petitioners are unauthorized occupants of land, since vesting with the Municipal Corporation. The petitioners have been ordered to be evicted in proceedings under Section 246-A of the Punjab Municipal Corporation Act, 1976. The appeal against the order of eviction has been dismissed by the Additional District Judge, Ludhiana on 11.02.2015. Still aggrieved, the petitioners invoked the writ jurisdiction of this Court by way of instant writ petition.

The petitioners are admittedly occupants of a public land. Thus, they have no right to continue in possession. Similar question has been examined by a Division Bench of this Court in CWP No.9506 of 2001 titled 'Swaran Singh & others Vs. State of Punjab & others' decided on 01.10.2014 in respect of same municipal limits.

In view of the reasons recorded therein as well as for the reasons recorded in the orders passed by the Authorities under the Act, we do not find that any ground is made out for interference in exercise of writ jurisdiction of this Court.

However, learned counsel for the petitioners at this stage seeks that the petitioners should be granted three months time to handover the vacant possession of the land in question.

Keeping in view the fact that the petitioners have constructed residential houses on the land vesting with the Municipal Corporation, we deem it appropriate to grant three months' time to the petitioners to handover the vacant possession of the land in question to the Municipal Corporation provided they furnish an undertaking by way of an affidavit before this Court within a period of two weeks to the effect that they shall handover the vacant possession and shall not induct any other person in possession of the property in question. If any of the petitioners does not file such an undertaking, the respondents shall be entitled to proceed further to take possession in accordance with law.

Disposed of accordingly.

(HEMANT GUPTA)
JUDGE

21.02.2015
Vimal

(HARI PAL VERMA)
JUDGE