

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.9871 of 2015

Date of Decision:-29.05.2015

Mohinder Singh & Ors.

.....Petitioners.

Versus

The Financial Commissioner Revenue, Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. C.M. Munjal, Advocate and
Mr. Peeush Gagneja, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

Challenge in the present writ petition is to the orders passed by the Authorities below, whereby the petitioners have been ordered to be ejected from the land in question.

Learned Counsel for the petitioner has argued that the orders passed by the Authorities below suffers from illegality because they have failed to consider the fact that the petitioner is not a tenant on the property in question but is a co-sharer and, therefore, no order of eviction can be passed against the co-sharer.

After hearing learned Counsel for the petitioners and perusing the paper book, this Court is of the considered view that the present petition is devoid of any merit and the same deserves to be dismissed.

A perusal of the file would reveal that the petitioner's father

Shanker Singh was cultivating the land as tenant at Will (*Muzara Gair Marusi*). Further the petitioners have admitted in their statements before the Authorities below that after the death of their father Shanker Singh, they are cultivating this land as a tenant. In fact Har Singh son of Nadar Singh has also admitted in his statement that the petitioners had been paying the share of produce to the private respondents 10 to 12 years earlier but they have not paid their share of produce for the last 2/3 years in his presence. There is no receipt regarding payment of share of produce by the petitioners. In view of these facts, as well as the circumstances observed above, this Court has no hesitation in holding that the petitioners were tenants of the respondent and had not paid any rent, which has led to the passing of the impugned orders whereby their eviction has been ordered and thus, no fault can be found in the orders passed by the Authorities below, which are hereby affirmed.

In view of the above, finding no merit in the present revision petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

May 29, 2015
Vinay