

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

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**CM-3136-LPA-2014 IN
LPA-1402 OF 2014
Date of decision:-13.10.2015.**

DHARAM SINGH

...Petitioner

VS

STATE OF PUNJAB & ORS

...Respondents

**CORAM:- HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MRS. JUSTICE RAJ RAHUL GARG**

Present:- Mr. Harish Bharadwaj, Advocate
for the appellant.

HEMANT GUPTA, J. (Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent Act is directed against the order of Hon'ble Single Judge dated 6.5.2011 whereby the writ petition challenging an order dismissing the objection petition to the execution of eviction orders passed against the appellant under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973, as an unauthorised occupant.

The present appeal is accompanying with an application under Section 5 of the Limitation Act, 1963 for condonation of delay of 1142 days in filing of appeal. The grounds to seek condonation of delay are that the appellant as well as his wife were not keeping good health during the past three years. The wife of the appellant was suffering from cancer and was getting treatment from different

hospitals. It was only in April-May 2014, when the wife of the appellant was admitted in PGI, Chandigarh, he contacted the counsel and filed the present appeal.

We have heard learned counsel for the appellant and finds that the application does not disclose any sufficient cause to seek condonation of delay of 1142 days in filing of appeal. Even assuming the wife of the appellant was not well, but what was the disease suffered by the appellant has not been disclosed. The reasons on which condonation of delay has been sought are absolutely vague which does not disclose satisfactorily the sufficient cause for seeking condonation of delay. The delay and its condonations seems to be part of the delaying tactics adopted by the appellant for the last more than 40 years.

In fact, the learned Single Judge has found that the appellant is in possession for the last 36 years without having any right, title or interest. It is only a misdescription of the property which is being used by the appellant to perpetuate his illegal possession. Perusal of the record shows that appellant was ordered to be evicted in the proceedings under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. Such application was allowed on 03.09.1982. It was in execution, the petitioner filed an objection petition which was dismissed by the Collector on 25.03.1991. Further appeal was dismissed by the Commissioner, Appeals on 22.05.1992. The challenge was to said order which remain unsuccessful before the learned Single Judge.

We find that the appellant, is unauthorised occupant and continues to be in possession of the subject land on one pretext or the other. The filing of appeal with delay is also an attempt to perpetuate the illegal possession.

We do not find any merit in the application for condonation of delay or in appeal. Dismissed.

**(HEMANT GUPTA)
JUDGE**

**(RAJ RAHUL GARG)
JUDGE**

October 13, 2015

SwarnjitS