

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.1770 of 2015

Date of Decision:-11.12.2015.

Shri Gow Rakshni Sabha, Ludhiana

.....Appellant

Versus

Ludhiana Municipal Corporation, Ludhiana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

- 1. Whether Reporters of 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. Nitin Thatai, Advocate for the appellant.

SURYA KANT, J. (ORAL)

1.) This Letters Patent Appeal assails the order dated 2.11.2015 whereby learned Single Judge has dismissed the appellant's writ petition in which it sought a direction to the Municipal Corporation, Ludhiana for demolition of the shops shown in green colour at point 'A' and orange colour at point 'B' in the site-plan appended with the writ petition. The shops are owned by the appellant-Society. The Municipal Corporation issued notices under Section 273 of the Punjab Municipal Corporation Act, 1976 (in short 'the 1976 Act') for demolition of the building as it was reported to be in a dilapidated condition and could fall any time. These shops are

admittedly occupied by the tenants against whom eviction proceedings under Section 13 of the East Punjab Urban Rent Restriction Act, 1949 are pending. One of the ground taken for eviction is that the building has become unfit for human habitation. It is in this backdrop that the learned Single Judge has declined to issue the desired direction as it would have caused prejudice to the tenants in the pending eviction proceedings.

2.) We have heard learned counsel for the appellant and gone through the record. In view of the fact that eviction proceedings are pending before the Rent Controller, it is not expedient for this Court to express any views with reference to the photographs placed on record. Suffice it would be to observe that the notices issued by the Municipal Corporation, photographs or the report, if any, submitted by Engineering Wing of the Corporation are only relevant piece of evidence which may be produced by the appellant before the Rent Controller who shall surely consider the same, in accordance with law.

3.) It is true that the Municipal Authorities have issued notices under Section 273 of the 1976 Act calling upon the appellant-owner to demolish the unsafe building. However, their subsequent reluctance appears to be for the reason that the eviction proceedings on the same ground are pending and the matter is sub-judice. For the same reason, we are also not inclined to interfere with the order passed by learned Single Judge, for the desired directions sought by

the appellant cannot be issued except to grant liberty to seek expeditious disposal of the eviction proceedings pending before the Rent Controller.

Disposed of.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 11, 2015.

sandeep sethi