

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

RSA No. 6192 of 2014 (O&M)
Date of decision: August 18, 2015

Som Nath

...Appellant

Versus

Haryana Wakf Board

...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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. Deepak Saini, Advocate,
for the appellant.

K. KANNAN, J. (Oral)

1. In a suit for ejectment brought by the Wakf Board on a plea that the property is necessary for using it for the purpose for which the endowment was made, namely for user as a grave yard, the defence was that there was no such requirement. It was elicited in evidence that a portion of property taken from the plaintiff was still unused and the requirement pleaded by the plaintiff was not established. The courts rejected the contention and granted ejectment. The same plea is reiterated before this court.

2. I must observe that in a suit for recovery of possession by a landlord after notice there is not even a requirement to spell out the reason why the property is required. Such a requirement is mandated only under the Rent Act in relation to urban properties. All that the court would be concerned in a suit when the jural relationship of tenancy is admitted, is to

see whether there was a valid notice to quit. Once this condition is satisfied there is no warrant of examining what the landlord required the property. It must again be observed that the property which is sought for user as a grave yard need not be brought after digging trenches with dead bodies strewn around. It is to make possible for user after sometime if such a contingency arises. There is, therefore, no merit in the argument that the nature of as user sought for was not established.

3. There is no scope for interference in the second appeal.

Dismissed.

August 18, 2015
prem

(K.KANNAN)
JUDGE