

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

**C.R. No.1308 of 2016 (O&M)
Date of Decision : 30.03.2016**

Jaswinder Pal Singh

..... Petitioner

Versus

Kirpal Singh and another

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sunil Garg, Advocate
for the petitioner.

Mr. Lakhinder Bir Singh, Advocate
for respondent No.1.

Mr. H.P.S. Ghuman, Advocate
for the respondent No.2.

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?

AJAY TEWARI, J. (Oral)

This revision has been filed against the order of the Rent
Controller impleading the respondent No.2 as a party.

Brief facts of the case are that the petitioner filed an eviction
petition against respondent No.1 on various grounds. After the eviction
petition was tried and was fixed for arguments the respondent No.2-
Municipal Corporation, Patiala filed an application alleging that the
construction of the premises was on encroached land and therefore the

Municipal Corporation, Patiala was the owner of the demised premises and therefore they should be impleaded as a party. That application having been allowed the petitioner is before this Court.

Learned counsel for the petitioner has relied upon the judgment of this Court in the matter of *Anil Kumar vs. Chaudhary Ram, reported as 1994(1) R.C.R.(Rent) 413*, to contend the rent petition cannot be permitted to be converted into a petition for determination of title and the dispute could be settled in a regular suit by the parties.

Learned counsel for the respondent No.2 is not in a position to cite any contrary judgment.

I find weight in the argument of learned counsel for the petitioner. The impugned order is completely indefensible. If there is any encroachment the Municipal Corporation has an independent right under the law either to have construction/encroachment demolished or regularized as the case may be, but it can not step into the litigation between the petitioner and the respondent No.1-tenant and claim that the Rent Controller should decide the question of title.

Consequently, the petition is allowed and the impugned order is set aside. However, liberty is granted to the respondent No.2 to take any action which it may be entitled to under the law with regard to any encroachment.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

March 30, 2016