

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.1956 of 2016
Date of decision:05.12.2016

Satish Kumar

... Petitioner

Vs.

Municipal Council, Rampura Phul

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Achin Gupta, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff is aggrieved of the dismissal of the application seeking ad interim injunction during the pendency of the civil suit seeking permanent injunction against the respondent from forcible interference into suit property, i.e., shop no.15.

Mr. Siddharth Gupta, learned counsel for the petitioner-plaintiff submits that the petitioner was allotted shop no.15. The alleged allotment is also under challenge. However, the possession held by the trial Court to be illegal cannot be made a ground for other party to seek possession forcibly or illegally. The possession can always be taken, in accordance with law.

Mr. Achin Gupta, learned counsel for the respondent-defendant submits that the proceedings under Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1972 (hereinafter referred to as "1972

Act”) have already been initiated. If it is so, the order is coming in his way.

In view of the aforementioned, the possession of the petitioner is not disputed but though it is in pursuance to the allotment, in case, any ejectment or eviction proceeding has been initiated under 1972 Act, the possession can be taken only in due course of law but not forcibly and illegally.

With the aforementioned observations, the impugned order is modified. Accordingly, the revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

December 05, 2016
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No