

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.3509 of 2016 (O&M)

Date of Decision.16.11.2016

Charanjeet Kakkar

.....Petitioner

Vs

Surinder Singh Pannu and another

.....Respondents

Present: Ms. Madhu Dayal, Advocate
for the petitioner.

Ms. Naseem Yadlapati, Advocate for
Mr. Praveen K. Moudgil, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

This revision petition is directed against the order declining the application under Order 39 Rules 1 and 2 CPC by the trial Court and as well as against the dismissal of the misc. appeal.

Ms. Madhu Dayal, learned counsel appearing for the petitioner relies upon the order passed by this Court dated 18.02.2016 passed in C.R. No.7317 of 2015 wherein identical question with regard to dispossession of similarly situated persons except in due course of law by taking the aid and assistance of the provisions of Punjab Public Premises and Land (Eviction and Rent) Recovery Act, 1973 was pondered upon and it was held therein that they will not be thrown out except as per the remedy prescribed in the aforementioned provisions of law.

Per contra, Ms. Naseem Yadlapati, Advocate appearing for Mr. Praveen K. Moudgil, Advocate appearing for the respondents submits that by virtue of order dated 01.07.2016 passed in CWP No.12852 of 2016, M/s

release of the performance bank guarantee and the same was allowed on the premise that once the contract had come to an end, there was no occasion for the respondents to withhold performance bank guarantee.

She further submits that the suit was not maintainable as the appropriate authority would be the State of Punjab through Department of Transport, which has not been impleaded. Ms. Madhu Dayal, learned counsel appearing for the petitioner submits that her client would move an appropriate application in this regard.

Noticing the aforementioned statement made at bar by Ms. Madhu Dayal, I am of the view that the matter is squarely covered by the judgment dated 18.02.2016 passed in C.R. No.7317 of 2015. There shall be an interim order qua forcible dispossession and interference with a clear understanding that the petitioner shall not be evicted except in due course of law, in essence, the State of Punjab through Department of Transport shall be at liberty to resort to the eviction proceedings as contemplated under the provisions of Punjab Public Premises and Land (Eviction and Rent) Recovery Act, 1973.

The impugned orders are set aside and the revision petition stands disposed of as above.

(AMIT RAWAL)
JUDGE

November 16, 2016
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No