

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

**Civil Revision No.4353 of 2016 (O&M)  
Date of Decision:October 19, 2016.**

Khajan Singh and another

**.....PETITIONER(s).**

**VERSUS**

Surjit Singh and others

**....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Chetan Bansal, Advocate for  
Mr. Rahul Bhargava Advocate  
for the petitioner (s).

Mr. Veneet Sharma, Advocate  
for respondent No.1.

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**SURINDER GUPTA, J.**

Revision petitioners and proforma respondents No.2 to 5 were ordered to be ejected from the demised shop situated in I.D.H. Market, Amritsar on the ground of personal bona fide requirement of the shop by respondent No.1-Surjit Singh, who projected his bona fide requirement in para 5(ii) of the Rent Petition, which reads as follows:-

“That the shop in question is bonafidely required by the applicant for his personal use and occupation. The applicant is an old aged person. The applicant is having a Ration Depot vide Depot No.1143 and he is running Depot in a rental shop at Katra Dal Singh, Amritsar. The applicant intends to covert both the shops in one shop and he intends to shift and transfer his Depot in the shop in question. The shop in question is very suitable for the

applicant to run his Depot business in the shop in question. The applicant does not own or possess any other shop except the shop situated on the ground floor of the building No.26, I.D.H. Market, nor the applicant has vacated any other shop without sufficient cause in the urban area of Amritsar. The applicant is old aged person and it is too difficult for the applicant to daily go to Katra Dal Singh in order to do the Depot work. The applicant is having his residence on the 1<sup>st</sup> floor of the shops which are in possession of the respondents as tenants.”

2. The revision petitioners in their reply contested the plea taken by respondent No.1-landlord and denied that he is having ration depot and running the same in a rented shop at Katra Dal Singh, Amritsar. It was alleged that ration depot is allotted by the Government for specific area and cannot be shifted to any other area at the whims of depot holder, as such, there is no need to shift ration depot to the demised shop.

3. Rent Controller, Amritsar accepted the plea of the respondent No.1-landlord with the observations in para 21, which are extracted as follows:-

“21. Thus from the facts and circumstances of the case, it is quite clear that applicant is an old aged person and is residing in the first floor of the property in question. Even, respondent Raj Kumar in his cross-examination has admitted that applicant has come present in the Court along with his stick as he walk with the help of stick. In the considered view of this court, it is not for the respondent to determine that whether the ration depot can be transferred or not, to the premises in question. It is not that applicant has previously also sought ejectment of the respondent. Respondents have been in possession of

the property in question since long. Now when at the fag end of his life, applicant states that he requires the premises in question for his own use, then such need, cannot be said to be fanciful in any manner. In these circumstances, this Court is of the considered view that the need of the petitioner is quite bonafide.”

4. Not satisfied, the revision petitioners-tenants preferred appeal before the Appellate Authority, which was also dismissed.

5. Learned counsel for the revision petitioners-tenants has argued that respondent No.1-landlord projected his need of the demised shop to shift his ration depot which he is presently running at Katra Dal Singh, Amritsar to the demised shop, which is not permissible under law. Learned Rent Controller as well as Appellate Authority have failed to consider the fact that the licence for ration depot is issued for a particular area and it cannot be shifted to another location as ration is to be taken by the people of that particular area from the Depot. While referring to the Punjab Public Distribution System (Licensing and Control) Order, 2003 he has argued that there is no provision under this order for shifting of ration depot from one place to another. In this case, the shop in question is at a distance of 3 kilometres from Katra Dal Singh where the depot of respondent No.1-landlord is situated, as such, cannot be allowed to be shifted. Second argument of learned counsel for the revision petitioners is that the site plan produced by respondent No.1-landlord is not complete site plan of his property. He has admitted that one of the tenant Pankaj Kumar was given two shops but this fact was not mentioned in the petition and despite demand by the revision petitioners for production of the rent note/lease

agreement of second shop let out to Pankaj Kumar, the same was not

produced. The second shop was let out to Pankaj Kumar during the pendency of this petition. He further argues that the dispute is only with regard to the enhancement of rent. Even vide compromise dated 24.10.2007, the Rent of the shops in possession of the petitioner was enhanced to ₹4,000/- per month. All this indicate that the shop in question is not required by respondent No.1-landlord for his personal bona fide necessity.

6. Learned counsel for respondent No.1-landlord has argued that admittedly, respondent No.1-landlord is an old aged person and presently he is about 87 years of age. He is residing on the first floor of the demised shop. His source of livelihood is his ration depot situated at Katra Dal Singh, which he intends to shift to the demised shop. In this regard, he has moved application to the District Food and Supply Department which has not declined the same on the ground that the depot cannot be shifted, rather he has been asked to supply required documents which include site plan and possession certificate of the shop. The need of respondent No.1-landlord is genuine and bona fide. It is for the concerned department to decide as to whether they will allow respondent No.1-landlord to shift the ration depot or respondent No.1 has to think of starting another business to earn his livelihood. The revision petitioner is nobody to take decision on this point or claim adjudication of application filed by him before concerned authorities for transfer of his depot to demised premises.

7. Regarding the plea of revision petitioners that the rent was earlier enhanced vide compromise dated 24.10.2007, learned counsel for respondent No.1-landlord argues that this compromise has been specifically

denied by the revision petitioners in their reply. They took the plea that the rate of rent was ₹2,600/- per month and not ₹4,000/- per month as settled vide compromise dated 24.10.2007 and also paid the rent @ ₹2,600/- per month.

8. On giving a careful thought to the submission of learned counsel for the parties, I find no legal or factual infirmity in the order passed by the Rent Controller and Appellate Authority, calling for interference in this revision petition. Respondent No.1 in the evening of his life wants to have his business in the demised shop which is on ground floor of his residence, as he feels it difficult to go to the shop on rent with him where he is running a ration depot. The bona fide of respondent No.1-landlord is further depicted from the fact that he had moved application to this effect to the Food & Supply Authorities of the area, who asked him to submit the required documents including the documents relating to ownership and possession of the demised shop, site plan etc., so that further action be taken for transfer of the depot. Punjab Public Distribution System (Licensing and Control) Order dated 14.02.2003 was issued by the Government of Punjab for maintaining supply and for securing equitable distribution and availability at retail prices of the essential commodities. It does not deal with the transfer of depot from one place to other place. Decision is to be taken by the concerned department in this regard and it is not within the domain of the Rent Controller or the Appellate Authority to record a finding whether the application seeking transfer of depot can be allowed, if so on what terms. The concerned authority may consider the same and pass appropriate orders, which may allow transfer or swapping of depot.

9. This plea of learned counsel for the revision petitioners-tenants that respondent No.1-landlord had not filed complete site plan of all his properties, is irrelevant, as he was required to produce the site plan of the demised shop only. It is nowhere pleaded or proved that respondent No.1-landlord has let out any shop in that area during the pendency of this petition. While appearing as AW6 Surjit Singh (landlord) has genuinely accepted that his other tenant Pankaj Kumar is in possession of two shops, out of which one was let out in the year 1990.

10. The argument of the learned counsel for the revision petitioners-tenants that the only intention of respondent No.1-landlord is to seek enhancement of rent is also without any merit. In the petition, it was alleged that vide settlement between the parties, due to intervention of I.D.H. Shopping Complex's Traders Association, rent of the shop in question was enhanced to ₹4,000/- per month vide compromise dated 04.10.2007. Though the learned counsel for the revision petitioners has referred to this compromise in support of his plea but he cannot take any benefit of it as the revision petitioners in their written reply, outrightly rejected and denied any such compromise.

11. As a sequel of my above discussions, this revision petition has no merits.

Dismissed.

**October 19, 2016.**

*Sachin M.*

**( SURINDER GUPTA )  
JUDGE**

***Whether speaking/reasoned:***

***Yes/No***

***Whether Reportable:***

***Yes/No***