

Sr.No.243

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

IOIN CWP-7468-2005(O&M)

Decided on: February 16, 2016

Taj MohammadPetitioner

vs.

State of Punjab and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Arun Jindal, Advocate for the petitioner.
Mr. Anant Kataria, DAG, Punjab.
Mr. A.K.Khunger, Advocate for respondent no.4.

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Mahesh Grover, J

The petitioner impugns the orders dated 29.08.2002 and 03.02.2003 passed by the Deputy respondent no.2 on the ground that eviction orders are cryptic, do not give sufficient reasons and the provisions of the Public Premises Act, 1973 (hereinafter known as the Act) were violated.

According to the facts pleaded, the petitioner was possessing some land under a lease arrangement with the Municipal Council, Malerkotla. Proceedings under Sections 5 and 7 of the Act were initiated against the petitioner to seek his eviction from plot no.5 and recovery of lease money amounting to Rs.16871.30 ps. The allegations against the petitioner were that he had not paid the rent and had violated the terms of lease by subletting the same to respondent no.5 who was thus in unauthorized occupation of the land. Recovery for an amount of Rs.2,29,399/- was also passed as arrears upto 31.03.2002.

Learned counsel for the petitioner has pleaded violation of the provisions by the Act but could not give satisfactory reply to the issue of subletting which is one of the grounds of eviction.

As against this, learned counsel for the respondents has placed reliance on a judgment rendered by a co-ordinate Bench of this Court bearing

CWP No. 8668 of 2005 titled **Rahat Hussain v. State of Punjab and others,**

decided on 17.12.2014 where similar petition pertaining to unauthorized occupants who had sublet the premises by the original allottees had been dismissed.

Learned counsel for the petitioner could not effectively draw any distinction from the order relied upon by the respondents.

I have perused the judgment of the said writ petition and find that the facts are identical to the ones in the present petition. I would thus, find no reason to deviate from the reason already recorded in the writ petition affecting similarly situated persons as the petitioners who were ordered to be evicted on similar charges of subletting which is impermissible and for the reason the petitioner failed to dislodge this issue by any rebuttable material.

Dismissed.

February 16, 2016
mamta

(MAHESH GROVER)
JUDGE