

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

Civil Writ Petition No. 19661 of 2013

Date of Decision: 21.7.2016

Smt. Balwinder Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. R.S. Dadwal, Advocate
for the petitioner.

Mr. Yatinder Sharma, Additional A.G. Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned proclamation dated 8.8.2013 (Annexure P-13), directing the petitioner to hand over vacant possession of the land in question, she has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari for quashing the impugned notice.

Notice of motion was issued and in compliance thereof, reply on behalf of respondents No. 1 to 4 has been filed.

It is a seriously disputed question of fact between the parties whether the petitioner is in unauthorised possession or in authorised possession. Case of the petitioner is that, she is in authorized possession whereas the said claim of the petitioner is not being admitted by the respondent-State.

Be that as it may, even if the petitioner is alleged to be in unauthorised possession, she cannot be forcibly dispossessed, particularly when the same is yet to be ascertained by the respondent authorities. However, it is made clear that the respondent authorities would be at liberty to proceed against the petitioner seeking her ejectment, in accordance with law.

With the abovesaid observations made, present petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

21.7.2016
Ak Sharma