

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.5303 of 2015 (O&M)

Date of Decision: 02.06.2016

Santokh Singh & Ors.

... Petitioners

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE A.B. CHAUDHARI**

Present: Mr. Rajeev K Kapila, Advocate for the petitioner(s)
Mr. Rajesh Bhardwaj, Addl. AG Punjab
Mr. CL Premy, Advocate for Gram Panchayat

SURYA KANT, J. (Oral)

(1) The petitioners assail the order dated 04.09.2014 (P13) passed by the Collector-cum-DDPO, Hoshiarpur ordering their eviction from land measuring 3 kanal 7 marla where they have constructed some shops. The eviction order was passed after the matter was remanded by the Director, Rural Development and Panchayats in exercise of his appellate powers. The petitioners instead of filing further appeal have preferred this writ petition.

(2) On 23.03.2015, this Court stayed dispossession of the petitioners subject to their depositing ₹100/- per month, per shop, to be calculated from 1999, with an increase of 10% every three years. The dues were accordingly assessed which the petitioners have deposited.

(3) The case was thereafter heard on 28.03.2016 and having realized that the land in dispute vests in the Gram Panchayat and the petitioners have no right or title whatsoever, the parties agreed that the Deputy Commissioner, Hoshiarpur may be asked to constitute a team of officers to determine the estimate rental value of the shops at the rate of per sq.ft. and if the petitioners agree then they would be allowed to retain possession of shops subject to payment of assessed rent.

(4) The Deputy Commissioner, Hoshiarpur has filed her report (R2) along with the report of the Assessment Committee and in terms thereof, each occupant is liable to pay ₹7/- per sq.ft. as monthly rent of the shop. The rent would obviously vary depending upon the respective size of shops.

(5) In our considered view, the assessment of rent by the Executive Engineer, Panchayati Raj Public Works (C&M) Division, Hoshiarpur and other Officers of the team is quite fair, just and equitable.

(6) The petitioners cannot have unauthorized possession of the Gram Panchayat land and run their shops. In view of the above-stated report submitted by Deputy Commissioner, Hoshiarpur, we dispose of the writ petition with a direction that if the petitioners come forward to pay rent @ ₹7 per sq.ft. per month subject to suitable revision of rent after every three year, the Gram Panchayat may lease out the shops to them for the period which it may deem appropriate.

(7) However, if the petitioners do not come forward to deposit the rent as assessed above within one month from the date of receipt of certified copy of this order, the Gram Panchayat shall be at liberty to execute the eviction order which is upheld subject to the above directions.

(8) Ordered accordingly.

(Surya Kant)
Judge

02.06.2016
vishal shonkar

(A.B. Chaudhari)
Judge