

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

**LPA No. 1832 of 2015(O&M)**

**Date of Decision: January 20 , 2016.**

Avtar Singh

..... APPELLANT (s)

**Versus**

State of Punjab and others

..... RESPONDENT (s)

**CORAM:- HON'BLE MR.JUSTICE RAJIVE BHALLA  
HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr. HPS Ishar, Advocate  
for the appellant.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reports or not?
3. Whether the judgment should be reported in the digest?

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**RAJIVE BHALLA, J.**

**CM No.157-LPA of 2016**

CM is allowed as prayed for.

Annexure A1 is taken on record subject to all just exceptions.

**LPA No.1832 of 2015(O&M)**

The appellant challenges order dated 20.02.2015 dismissing his writ petition thereby, affirming orders dated 11.03.2008, 10.02.2010 and 30.11.2010, ordering his eviction, dismissing his appeal and revision.

Counsel for the appellant vehemently contends that the appellant cannot be evicted as the land was allotted to Surjit Kaur on account of her long possession. The appellant has inherited the rights of Surjit Kaur by way of a Will. The respondents, therefore, had no right, much less under provisions of the Public Premises Act, to order eviction of the appellant.

We have heard counsel for the appellant, appraised the paperbook and perused the facts. The land, in dispute, was originally allotted to Surjit Kaur widow of Karnail Singh on 21.12.2001 by the Tehsildar Sales, Patiala, on the basis of her long possession. A conveyance deed was also executed on 19.02.2002. The State of Punjab filed an appeal praying that allotment dated 21.12.2001 and the conveyance deed dated 19.02.2002, issued by the Tehsildar Sales, Patiala, be cancelled. The Sales Commissioner, Patiala vide order dated 11.03.2008 cancelled the allotment and the conveyance deed. The appeal filed by Surjit Kaur and the appellant against order dated 11.03.2008 was dismissed by the Chief Sales Commissioner, Patiala on 10.02.2010. The appellant thereafter filed an appeal before the Financial Commissioner, Revenue, Punjab, which was dismissed on 30.11.2010. It appears that in the meanwhile eviction orders were passed against the appellant and Surjit Kaur. The appellant filed CWP No.8268 of 2011 challenging orders cancelling the allotment but appended orders directing his eviction. The writ petition was, therefore, dismissed by affirming the orders of eviction.

Faced with this situation, counsel for the appellant prays that the appeal may be dismissed as withdrawn, at this stage, to enable the appellant to file an application for review of the impugned order by appending orders of

cancellation of the allotment and the conveyance deed.

Dismissed as withdrawn with liberty as prayed but without expressing any opinion as to the right of the appellant to maintain an application for review.

**( RAJIVE BHALLA )**  
**JUDGE**

**( LISA GILL )**  
**JUDGE**

January 20 , 2016.  
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