

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR No. 586 of 2012 (O&M)
Date of decision: 20.09.2017

Ranjit Singh

...Petitioner

versus

Nirmal Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present : Mr. Manvir Singh Rana, Advocate for
Mr. Amit Jain, Advocate for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. Head Constable Sukhwinder Singh, Police Station Mandi Gobindgarh is present in Court today. He has produced the letter from the SDM Amloh but the photographs as directed in the order dated 14.09.2017 have not been produced by the tenant but the demised property has been sealed as per interim orders. It is disclosed that on 14.09.2017, duty Constable Belt No. 1045/F175 has been deputed at the gate of the tenanted premises to take care of the property in dispute, till further orders. Copy of the General Diary Details has also been produced and seen. The Deputy Commissioner, Fatehgarh Sahib has taken due and timely cognizance of the order and directed appropriate steps to be taken regarding sending compliance report as have been mentioned in the papers handed over by Head Constable Sukhwinder Singh. The papers have been perused and returned to the Police Official deputed by the Department to appear in Court today.

2. The tenant has not availed himself the opportunity given to produce current photographs of the demised premises from different

angles to show user and to know its present status with a view to match them with the photographs presented by the landlord on file which shows that the demised premises are not in use and occupation for a considerably long time by the tenant. The premises are dilapidated and overgrown with weeds and shrubs and wear a desolate look.

3. In these circumstances, I would not go into the details of the case or go deeply into the orders passed by the learned authorities evicting the tenant from the demised premises falling within the urban municipal limits of Mandi Gobindgarh. The landlord has established his personal necessity to recover possession of the demises premised to start the business of spare parts as a mechanic. The demises premises is a godown sandwiched between a cinema hall and a bank with its front facing the GT-Road.

4. If landlord's personal need is established on evidence and the requirement is found to be *bonafide* then the tenant must yield ground and withdraw from the tenancy and hand over the premises to the landlord. I have no cogent reason to differ from the concurrent findings of the authorities which are perfectly sound in light of the facts. I accept the position portrayed by the landlord that the tenant has long deserted the premises and failed to occupy the tenanted property. No business activity appears to be carried on in the premises by the tenant and on this ground as well he is liable to be evicted forthwith.

5. The landlord through his counsel gives up his right to arrears of rent/mesne profits at the rate of ₹ 4,000/- per annum since he

is satisfied with the prospect of recovery of possession in case the orders of eviction by the rent authorities are upheld.

6. Heard the counsel for the parties.

7. No legal or factual ground whatsoever on any error is made out to rescind the impugned orders. The tenancy has been abandoned over many years. Admitted rent and its arrears have not been paid. The statutory ingredients of bonafide personal need and occupation to carry on business from the premises by the landlord stand amply substantiated by evidence.

8. Consequently, the orders of the appellate authority evicting the petitioner tenant from the demised premises are affirmed and the instant petition is ordered to stand dismissed

9. The petitioner shall hand over the vacant possession of the demised premises to the respondent within 07 days from the date of receipt of the certified copy of the order; i.e. by 28.09.2017 and till that day the Senior Superintendent of Police, Fatehgarh Sahib will keep the Constable posted at the premises and withdraw him only after the possession has been handed over by the tenant or his agent to the landlord and the Constable deputed at site informs the area Station House Officer that orders of eviction have been implemented.

10. In case the tenant does not turn up on 28.09.2017 or before, the Superintendent of Police, Fatehgarh Sahib will ensure that vacant possession of the demised premises is handed over to the landlord, even if it means breaking locks and use of reasonable force, if there is

any resistance. The locks and the belongings of the tenant be accounted for in a list of articles with the signatures of the landlord and tenant/authorized agent and the duty Constable obtained thereon and the goods etc, if any lying in the premises will be returned to the tenant, when claimed in case he fails to turn up. If he does he would be free to identify his belongings and remove them. In which case, the procedure in this order so far as personal belongings are concerned, need not be followed.

11. Action taken report be sent by the police department to the office of the Advocate General, Punjab for placing the same on record of the disposed of case as evidence that the eviction has been carried out and this order implemented, with a direction to the registry to list the case thereafter for the perusal of the report by the learned Registrar General of this Court and on his satisfaction the case be sent to the record room. Office also to send a copy of this order to the Office of the Advocate General, Punjab for information and compliance.

12. The orders of the appellate authority evicting the petitioner tenant from the demised premises are affirmed and the instant petition is ordered to stand dismissed with directions as above.

(RAJIV NARAIN RAINA)
JUDGE

September 20, 2017

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Whether speaking/reasoned : Yes

Whether reportable : No