

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

**CR 8423/2017 (O&M)
Date of decision:01.12.2017**

Jatinder Singh

.....Petitioner

v.

Hari Singh Estate Educational and Charitable Trust and others

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.BBS Sobti,Advocate for the petitioner.

Jaswant Singh,J,(Oral).

Petitioner/tenant no.3 is stated to be in possession of the demised premises being the son of original tenant-Kirat Singh of respondent-landlord/Trust.

Present revision is directed against the order dated 4.10.2017 whereby the Rent Controller, Jalandhar has dismissed the application of the tenant for rejection of the ejectment application under the East Punjab Urban Rent Restriction Act,1949 (for short the 1949 Act) filed by the respondents.

Learned counsel for the petitioner submits that the respondents/landlords have already been granted an ejectment order dated 23.3.2017 passed by the competent Authority under the Punjab Religious Premises and Land (Eviction and Rent Recovery)Act,1997 (for short the 1997 Act), which is under challenge in appeal before the Commissioner, Jalandhar. The respondents/landlords on identical grounds has previously filed the present

eviction petition under Section 13 of the 1949 Act and in view of subsequent ejectment order under the 1997 Act, present eviction petition is liable to be returned as not maintainable.

After hearing the learned counsel for the petitioner, this Court is not persuaded to accept the plea on behalf of petitioner.

A bare perusal of the 1997 Act reveals that object of the said enactment is “an Act to provide for the eviction of unauthorised occupants from religious premises and for certain incidental matters”. Still further, the person who shall be deemed to be in unauthorised occupation is defined under Section 3 of 1997 Act, which inter alia provides that a person in unauthorised possession who is in possession otherwise than under and in pursuance of any allotment, lease or grant. Concededly, in eviction petition filed under the 1997 Act the status of the petitioner claimed is that of a tenant and not an unauthorised occupant. It is also not in dispute that the demised premises are situated within the urban area of Jalandhar and therefore the 1949 Act would be applicable unless excluded by any enactment. Therefore, there is no illegality or perversity in the order impugned in the present revision petition.

Dismissed.

01.12.2017
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No