

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

335

**CWP-16357-2006
Decided on 08.09.2017**

RABINDER NATH SHARMA

....PETITIONER

VS

B.B.M.B. & OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.K.Gautam, Advocate
for the petitioner.

Mr. H.S.Sitta, AAG, Punjab.

AJAY TEWARI, J.(Oral)

This petition has been filed against the orders of the Estate Officer (under the Public Premises (Eviction of un-authorised occupation) Act, 1971) demanding an amount of Rs. 4648/- from the petitioner on account of penal rent for illegal occupation of house No. 551-U/T3C Sector -3, Talwara for the period from 07.6.1999 to 22.11.1999. The appeal filed by the petitioner has also been rejected.

The case of the petitioner is that in fact he had vacated the house but the B.B.M.B authorities did not take the key from him only to trouble him and he had in fact posted a registered letter 25.6.1999 to his employer to lock the house since he had vacated the same. The case of the respondents on the other hand was that as per the Rules he had to hand over the possession physically after clearing the dues and to this effect the letter dated 5.7.1999 was sent by BBMB authorities to him. Instead of acting on the letter the petitioner filed a compliant before the

District Consumer Dispute Redressal Forum, Hoshiarpur on 08.09.1999

which was dismissed on 14.10.1989. He filed an appeal against that order before the State Consumer Dispute Redressal Commission, Punjab which was also dismissed. It was, thereafter, that these proceedings to recover the rent were initiated. In the appeal, the appellate authority concurred with the views of the BBMB authorities that it was incumbent upon every allottee to hand over the possession physically after clearing all dues and the handing over the possession of a house by way of registered letter could not be accepted.

I find no reason to take a different view.

Consequently, the petition stand dismissed.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

08.09.2017
anuradha

(AJAY TEWARI)
JUDGE

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Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No