

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

CWP No.16614 of 2009 (O&M)
Date of decision: September 19, 2017

Lakhbir Singh ...Petitioner

Versus

Panjab University, Chandigarh & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amit Jain, Advocate for the petitioner.
Mr. Charanjeet Singh, Advocate for the respondents.

Rajan Gupta, J.

Petitioner has sought a writ in the nature of certiorari for quashing order dated 19.7.2006, passed by Estate Officer, Punjab University, Chandigarh, whereby he has been evicted from Shop No.2, Panjab University Market, Sector 14, Chandigarh (hereinafter referred to as “demised premises”) and order dated 22.10.2009, passed by Additional District Judge, Chandigarh, dismissing the appeal filed by the petitioner.

Petitioner claims that he is tenant in possession of the demised premises. Earlier the premises was let out to Ajmer Singh, Ajit Singh and Surjit Singh for a period of three years from 1989 to 1992 at a monthly rent of Rs.625/- for running dry-cleaning business. Later on, tenancy was transferred in favour of petitioner and at that time rent was increased to Rs.16,232/- w.e.f. 01.08.2001 for a further period of three years. Petitioner was asked to deposit all the arrears of rent and to execute lease deed, but he failed to do so despite repeated notices. He

also started running some other business and made encroachments in the courtyard in violation of terms and conditions of lease deed. Ultimately, respondent University terminated his tenancy vide notice dated 09.08.2005 and called upon him to vacate the demised premises. On his failure to do so, proceedings for his eviction under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 were initiated before the Estate Officer, Punjab University, Chandigarh. Petitioner appeared there through his wife being his Power of Attorney and filed reply. The Estate Officer after considering the facts and circumstances of the case, ordered eviction of the petitioner vide order dated 19.07.2006. He also directed the petitioner to pay arrears of rent amounting to Rs.3,93,642/- w.e.f. 1.8.2001 to 24.8.2005 and the damages @ Rs.41,350/- per month alongwith interest @ 10% per annum w.e.f. 25.8.2005 till date of vacation of the demised premises. Aggrieved, petitioner preferred appeal before the Appellate Authority. Same was dismissed by Additional District Judge, Chandigarh, vide order dated 22.10.2009. Both orders have been assailed before this court on the ground that status of the petitioner in the premises was of a tenant. The University being landlord could only have sought eviction of the petitioner before the Rent Controller and not authority under the Public Premises Act. I find no substance in this plea. There can be no doubt that property of the University is a public property and the demised premises would fall within the ambit of Section 2 (i) of the Public Premises Act. Respondent University sought eviction of the petitioner by invoking the provisions of the Public Premises Act, he being unauthorized occupant thereof.

Counsel for the petitioner has not been able to point out any infirmity with the orders passed by the authorities under the Act. Petitioner has also not been able to refute the stand of the University that he is unauthorized occupant having failed to pay the arrears of rent. There is, thus, no ground to interfere in writ jurisdiction.

Dismissed.

(RAJAN GUPTA)
JUDGE

September 19, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No