

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

CWP No. 15282 of 2012

Date of decision : 13.07.2017

Gurudwara Singh Sabha, Tehsil Road Jagraon, District Ludhiana

...Petitioner

V/s

State of Punjab & ors.

...Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Aditya Dassaur, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Present petition has been preferred by religious institution established under the Sikh Gurdwara Act, 1925. Same is being managed by Shiromani Gurudwara Prabandhak Committee (SGPC). Petitioner had rented out a shop to respondent no. 3 in the year 1978 by way of oral tenancy. Tenant was required to pay ₹45/- as monthly rent in the year 1978. Subsequently, it was increased to ₹265/- per month. Stand of the petitioner is that respondent no. 3 did not pay any rent after January, 2003. The period of tenancy also expired. Resultantly, petitioner initiated proceedings seeking eviction of respondent no. 3 from the shop in question by invoking provisions of Punjab Religious Premises and Land (Eviction and Rent Recovery) Act, 1997. It appears the tenant also filed a civil suit at Jagraon to injunct the petitioner from evicting him. Said suit was, however, dismissed as withdrawn on 19.08.2004 on a statement made by petitioner that the tenant would not be dispossessed except in accordance with law. On

examination of material produced before the authority under the Public

Premises Act, it came to the conclusion that respondent no. 3 was in illegal

possession of the premises in question. He was directed to vacate the property within a period of thirty days. Respondent no. 3 preferred appeal before the appellate authority at Patiala. During the course of hearing, the tenant agreed to deposit an amount of ₹28,640/- as arrears of rent. However, petitioner refused to accept this amount on the ground that tenancy had already come to an end. However, appellate authority set-aside the order without assigning any cogent reasons. Aggrieved, instant petition has been filed before this court. Notice was also issued to Gurmail Singh (respondent no. 3 herein). He was represented by counsel on one occasion. However, neither any reply has been filed on his behalf nor any arguments have been addressed. It appears that earlier vide order dated November 05, 2015 passed by coordinate Bench, respondent no. 3 was proceeded ex-parte. This order was never set-aside. On due consideration of the matter, I find substance in the plea of the petitioner that tenancy having expired, respondent no. 3 is liable to vacate the premises. Besides, there is nothing on record to show that respondent no. 3 has been regularly depositing the rent. The fact that he offered to deposit the amount before the appellate authority shows that he admitted his liability to pay rent from at least October, 2003 onwards. The Commissioner, thus, rightly exercised his jurisdiction under the 1997 Act and directed eviction of respondent no. 3. Order passed by appellate authority only on the premise that tenant was ready to deposit arrears of rent suffers from legal infirmity. Same is hereby set-aside. Petition is allowed in these terms.

July 13, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No