

**CM-6231-CWP-2015 in/and
CWP-4947-2009 (O&M)**

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

**CM-6231-CWP-2015 in/and
CWP-4947-2009 (O&M)**

Date of Decision: January 18, 2017

Rashpal Singh and others

.....Petitioners

Versus

District Development and Panchayat Officer-cum-Collector, Hoshiarpur,
and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE GURMIT RAM**

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Rakesh Gupta, Advocate
for the petitioners.

Mr.J.S.Puri, Addl.AG, Punjab.
Mr.C.L.Premi, Advocate
for respondent No.3.

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SURYA KANT, J.

CM-6231-CWP-2015

Application is allowed as prayed for. Main case is taken up on
Board today.

CM stands disposed of.

CWP-4947-2009

The petitioners have occupied the land which vests in the Gram
Panchayat and have constructed shops thereupon at their own expenses.

They were ordered to be evicted from the occupied land and their appeal etc.

were dismissed. The aggrieved petitioners approached this Court. Ad interim stay has been granted to them on 12.01.2012. They also expressed their willingness to pay rent at the rate of Rs.100/- per month with an increase of 10% after every three years. Their offer was accepted by the Gram Panchayat.

[2] On the joint request made by learned counsel for the parties, we have heard them on merits and are of the view that the controversy in this case can be effectively disposed of in such terms as were imposed in CWP No.5303 of 2015 decided on 02.06.2016 (Santokh Singh and others vs State of Punjab and others). That was also a case where the land as well as shops of the Gram Panchayat were in an unauthorized possession of the writ-petitioners and their dispossession was stayed subject to payment of rent of Rs.100/- per month, per shop. This Court in the cited case directed the Deputy Commissioner, Hoshiarpur to get the rental value of the shops assessed whereupon the writ-petitioners were directed to seek renewal of the lease subject to payment of the revised rent as per the rate determined by the Assessment Committee.

[3] Since the above-cited order was passed in respect of the land/shops in the same village where the present petitioners have also constructed shops on the land which is claimed to be owned by Gram Panchayat, they too are liable to pay the monthly rent for the land as per the report of the Assessment Committee. We, thus, hold that the petitioners are liable to pay the revised rent for the land/shops at the same rate as has been determined in Santokh Singh's case (supra).

[4] Ordered accordingly.

[5] The petitioners shall be liable to pay the revised rent from 01.01.2017 subject to suitable revision of rent after every three years whereupon the Gram Panchayat may renew the lease period after three years.

[6] Since the instant writ petition has arisen out of eviction proceedings only, the same is disposed of without prejudice to the rights of the petitioners to raise the title claim by way of an appropriate suit which they may file before the Collector. However, till the decision of such suit, they shall continue to pay the revised rent, as determined above.

**(SURYA KANT)
JUDGE**

January 18, 2017
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**(GURMIT RAM)
JUDGE**

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No