

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.14772 of 2013 (O&M)

Date of Decision: 14.02.2017

Nachhatar Singh

... Petitioner

Versus

Union of India and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Narinder Sharma, Advocate,
for the petitioner.

Mr. Sourabh Goel, Central Govt. Counsel,
for respondents No.1 to 5.

Mr. Rahul Verma, AAG, Punjab.

RAJIV NARAIN RAINA, J.

Seriously disputed questions of fact are involved in this petition regarding the authenticity, genuineness and validity of a disputed document dated April 30, 2010 [translated copy placed at Annex P-4 with photocopy at page 38 of the paper-book] which cannot be resolved in writ jurisdiction. This issue can only be resolved on evidence.

In view of the written statement filed by the Union of India, the stand is that the document is forged and manipulated. The competent authority in MES does not allow the petitioner to continued use of Government accommodation allotted to the petitioner who overstayed without due permission. The penal rent is charged for illegal use and occupation of the Government quarter beyond time allowed.

The petitioner is relegated to his remedy before the Civil Court.

The petition stands dismissed with the aforesaid liberty.

The Department be well within its rights to recover the entire amount of penal rent from the petitioner [substantial amount of which stands recovered] and all that can be said is that such recovery will remain subject to any litigation involving the aforesaid disputed document.

(RAJIV NARAIN RAINA)
JUDGE

14.02.2017
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>