

233

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

CWP-12783-2015

Date of decision : 17.02.2017

Shamsher Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.

AMIT RAWAL, J. (ORAL)

Prayer in the present writ petition is for issuance of a writ in the nature of certiorari quashing the order dated 12.06.2015 (Annexure P-5), whereby an application for additional evidence at the instance of the petitioner has been dismissed.

Learned counsel for the petitioner submits that in a proceeding initiated under the Haryana Public Premises and Land (Eviction of Rent Recovery) Act, 1972, an application (Annexure P-3) for additional evidence was moved on the premise that during the pendency of the case, the State Government had accorded permission for sale of the land to the similarly situated persons including the petitioner on reserved price i.e. @ ₹ 12 Lacs per acre, therefore, the aforementioned evidence is essential and necessary to place on record, but the same has erroneously been dismissed.

On the contrary, Mr. Sandeep Singh Mann, Sr. DAG, Haryana

submits that the petitioner is in unauthorized occupation of a land measuring 11 kanals 14 marlas. In fact they were not given any right for the purpose of cultivation and no documentary evidence had been submitted regarding the ownership and therefore, the application is frivolous and nothing, but an attempt to delay the proceedings, thus, urges this Court for dismissal of the present writ petition.

I have heard the learned counsel for the parties and appraised the paper book and of the view that since the subsequent event had taken place, I am of the view that the aforementioned evidence sought to be placed on record and as well as the examination of four witnesses, as indicated in the paragraph Nos.3 & 4, are necessary and essential. For the sake of brevity, the paragraph Nos.3 and 4 reads thus:-

"3. That during the pendency of the present case, the State Government has accorded permission for sale of above land to the applicant on reserve price of ₹ 12 Lacs per acre and as such the applicant seeks the indulgence of this Hon'ble Court to produce the application filed by him for allotment of land and the letter of Financial Commissioner, Chandigarh according permission for sale of the land. As such the above letter is very necessary for the proper adjudication of the matter in controversy.

4. That beside it the applicant intends to produce the concerned Clerk of the Department of GLF, Sirsa Road Hisar to prove the above letter. The applicant also seeks the permission of this Hon'ble Court to allow him to produce the witnesses namely (1) Bashir Mohammad son of Gulam Mohammad, resident of Beer Dhandoor, Hisar; (2) Jeet Singh son of Amar Singh resident of Beer Dhandoor, Hisar and (3) Avtar Singh son of Maheder Singh resident of Beer Dhandoor, Hisar (4) Sucha Singh son of Saudagar Singh, resident of Beer

Dhandoor, Hisar."

For the foregoing reasons, the impugned order under challenge is not sustainable and the same is hereby set aside. Accordingly, the present writ petition is allowed subject to the cost of ₹ 7,000/- to be deposited in counselling room of Mediation and Conciliation Centre which is being set up under the supervision of a Judge of this Court and the amount shall be spent in the manner as would be directed.

17.02.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No