

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

CWP No.13549 of 2015
Date of decision : 15.02.2017

Harmesh Singh

...Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Ish Puneet Singh, Advocate for the petitioner.

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

Mr. P.S. Chauhan, Advocate for respondent No.3.

AMIT RAWAL, J. (Oral)

This Court while noticing the contention of the counsel for the petitioner regarding the concession of paying the market rent with 25% increase, issued notice of motion and stayed the dispossession of the petitioner.

Petitioner had been given the premises on lease from time to time when spanning over period of five years .

Dispute in the present writ petition is that from the year 2003 to 2008 as according to the petitioner, respondent had initiated the proceedings under Sections 4, 5 and 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act on 02.07.2008 whereas Collector passed the order of eviction and also ordered to pay market rent at the rate of

₹3,000/-.

Mr. Ish Puneet Singh, learned counsel appearing on behalf of the petitioner submits that during the period i.e. from the year 2003 to 2008, rent was Rs.1670/- and his client had already paid the arrears of rent and as well as amount with 25% increase. However, no proof of the same has been shown to the Court and this fact is also not been endorsed by Mr. Chauhan, Advocate. In the absence of any representative from the Municipal Committee, Rania, Fatehabad, lease period kept on revising after every year with 25% increase.

Since, petitioner's livelihood is dependent upon the business and in a welfare state, Municipal Committee should not resort to procedure of eviction rather should be little liberal towards such tenants who are earning their livelihood by taking menial work.

Owing to the fact that the petitioner has already deposited the amount, I deem it appropriate to dispose of the writ petition with direction to the Executive Officer to decide the case of the petitioner afresh by treating the writ petition as representation and verify whether petitioner had already deposited the old rent and as well as revised rent and if not, then call upon the petitioner to pay the same within a period of one month and on failure, the proceedings initiated under PP Act shall deemed to have been revived.

The respondents shall be at liberty to seek the execution of the same but in case amount had already been deposited or is deposited within time granted, petitioner will not be dispossessed and liberty is also granted to the Municipal Committee to explore the possibility of leasing out the

premises afresh after 2008 when the period of five years expired.

With the aforementioned observations, present writ petition stands disposed of.

15.02.2017

pawan

**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No