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

CWP-15845-2014

Date of decision : 03.04.2017

Chander Shekhar and another

... Petitioner(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. H.S. Saggu, Advocate
for the petitioner(s).

Mr. Yatinder Sharma, Addl. A.G. Punjab.

Mr. S.S. Brar, Advocate
for respondent No.2/Nagar Council, Sangrur.

AMIT RAWAL, J. (ORAL)

The petitioners are aggrieved of the impugned order dated 13.08.2009 (Annexure P-1) passed by the Collector, whereby the proceedings initiated under Section 4, 5 and 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short ' the 1973 Act') seeking ejectment from shop No.180 from Satwant Singh and Gurinder Singh, have been allowed and the appeal preferred against the same before the Commissioner has also been dismissed vide order dated 26.04.2010 (Annexure P-2).

Mr. H.S. Saggu, learned counsel appearing on behalf of the petitioner submits that during the pendency of the aforementioned proceedings, the Punjab Government, Local Government Department came

out with instructions dated 08.05.2008 that unauthorized sub-lettees of Municipal Lands/Properties may be admitted to be tenants of the concerned properties on payment of an amount equal to 10 years of rent by giving an offer. The petitioners though no doubt are not the original tenants, but were, according to respondent, helpers, though they are sub-lettees and are carrying out the business. They are willing to enter into a fresh agreement on market rate of the rent and clear the arrears of rent or any other due, if any, referred to in the instructions.

On the contrary, S.S. Brar, learned counsel appearing on behalf of respondent No.2/Nagar Council, Sangrur, submits that the petitioners have no *locus standi* to file the present writ petition as the eviction petition was only filed against the Satwant Singh and Gurinder Singh, whereas Chander Shekhar/petitioner is not a party. The petitioners are only the helpers and not the sub-lettees, therefore, cannot take the benefit of the aforementioned instructions. The Nagar Council, Sangrur/respondent No.2 shall get more rent, in case, the premises are vacated and let out, thus, urges this Court for upholding the impugned order as there is no illegality and perversity.

I have heard the learned counsel for the parties and appraised the paper book and of the view that the eviction petition had been filed against Satwant Singh and Gurinder Singh on the ground of non-payment of rent as admittedly Satwant Singh was inducted as tenant by the Nagar Council on the payment of prescribed rent in respect of Shop No.180. The eviction order though has been passed against Satwant Singh and Gurinder Singh, but the fact remains that the Local Government had come out with the policy giving the concession to the allottees, they provided to deposit an

amount equal to 10 years of rent without fixing any criteria to assess the fee for transfer of tenancy and on deposit of the same and enter into a fresh agreement as per the prevailing market rate. This request/offer of Mr. H.S. Saggu, on instruction from their clients, appears to be fair and justified.

The respondent(s)/Nagar Council, Sangrur is directed to consider this request/offer as representation of the petitioners and decide the same in a most pragmatic and objective manner as the whole purpose of seeking eviction of the shop is to re-let at a higher rate. Once the petitioners are willing to do so and have already been carrying on the business in the same premises, no harm and prejudice would be caused, in case the Nagar Council revisits on this point.

In case, the Nagar Council, Sangrur/respondent No.2 takes a decision in this regard and offers the petitioners and the petitioners undertake to enter into fresh agreement, the eviction order would automatically deem to be set aside, much less, become un-consequential, and if otherwise, the same shall come into operation.

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

03.04.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

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Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**