

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

**CWP No.11025 of 2017
Date of decision:26.05.2017**

Nagar Panchayat Shri Chamkaur Sahib, District Rupnagar
... Petitioner

Vs.

State of Punjab and others
... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. H.K.Aurora, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Notice of motion.

Mr. C.L.Premy, Advocate accepts notice on behalf of the
caveator/respondent No.2.

Concededly, an eviction petition under Sections 4 and 5 of the Punjab Public Premises & Land (Eviction and Rent Recovery) Act, 1973 has been filed and an application under Section 151 of Code of Civil Procedure has been moved by the private respondent/caveator. The petitioner in the aforementioned eviction petition is seeking restraint order against the respondents from encroaching that part of the property of which eviction was not sought. Since the private respondent had made an attempt to encroach upon other property, therefore, the application aforementioned was moved.

Mr. C.L. Premy, Advocate submits that in fact, independent suit should have been filed and seeks leave of the Court for withdrawal of the application filed under Section 151 of Code of Civil Procedure.

In view of the aforementioned statement made by Mr. Premy, the impugned order dated 16.03.2017 (Annexure P-1) is rendered otiose and pales into insignificance but yet I deem it appropriate to say it will not be treated to be in existence.

The respondents are at liberty to seek the vindication of their grievance, if any, in accordance with law, with regard to other property, which is not subject matter of the eviction petition.

Accordingly, the writ petition stands allowed.

(AMIT RAWAL)
JUDGE

May 26, 2017
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No