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

CWP-12877-2017

Date of decision : 01.06.2017

Satpal

... Petitioner

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the impugned orders dated 28.10.2016 and 03.01.2017 (Annexures P-12 and P-14) rendered by the Collector and Commissioner, respectively, in a proceeding initiated under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short 'the 1973 Act') seeking his eviction.

Learned counsel for the petitioner submits that the petitioner is in occupation of the premises since long and had raised his house. The Education Department in need of more land had sought the eviction, therefore, they have chosen the land i.e. one occupied by the petitioner. In this regard, the reliance has been made to the photographs. The factum of the ownership has not been disputed and thus, urges this Court that the authorities entertaining the petition have committed illegality and perversity in ordering the eviction order.

I have heard the learned counsel for the petitioner and

appraised the paper book and of the view that the factum of ownership is not denied, much less, unauthorized possession. The photographs (Annexure P-8), itself, reveal that sanitation conditions are not in existence and not visited by any inhabitants obviously owing to illegal occupation. All sewage is being thrown on the earth, which is causing pollution not to the air, but to the ground water.

It is strange that the people unauthorizedly occupy and encroaches upon the Government land by raising construction without having right and title over the same, in essence, they are squatters, who cannot be permitted to remain there for infinite period. The present case is also of such kind of nature and the petitioner cannot claim any equity by raising construction at his own peril.

Keeping in view the aforementioned facts, the impugned orders dated 28.10.2016 and 03.01.2017 (Annexures P-12 and P-14), in my view, do not fall within the realm of 'Judicial Review' under Article 226 of the Constitution of India, much less, cannot be said to be vitiated in law or misconceived.

No ground is made out for interference.

Dismissed.

01.06.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**