

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

Civil Writ Petition No.6226 of 2012

Date of Decision: March 10, 2017

Neelam Puri & others

...Petitioners

Versus

Bhakra Beas Management Board, Chandigarh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Vivek K. Thakur, Advocate,
for the petitioners.

Mr.Kuldeep Tiwari, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

The petitioners are aggrieved of the impugned orders dated 20.10.2010 (Annexure P-6) passed by the Estate Officer, BBMB, Irrigation and Power Wing, Nangal and 26.7.2011 (Annexure P-10), passed by the Additional District Judge, Rupnagar, whereby eviction of the petitioners from the quarter has been ordered.

The contention of the learned counsel for the petitioners was that Jagan Nath was given permission to occupy Quarter No.18-V. The eviction petition earlier filed was withdrawn, but later on again filed against the dead person, though during the pendency of the proceedings, wife of Jagan Nath was impleaded as legal heir. No opportunity of hearing was given, much less even the issues have not been framed. The proceedings for recovery are also under challenge. Had the opportunity of hearing been given, the petitioners would have led evidence to belie the grounds of

eviction.

On the contrary, the contention of the learned counsel for the respondents is that the petitioners are married daughters of Jagan Nath and petitioner No.2, who is now dead, was also an employee of the BBMB and was allotted a separate quarter, i.e., Quarter No.27-AA by the BBMB. Petitioner No.2 is not residing in the quarter in dispute and they are unnecessary contesting the matter. No proof of residence has been placed on record. Even the use and occupation charges for the period from 2003 to 2013 to the tune of Rs.3,73,388/- has not been deposited. The ground for seeking eviction was that the father and mother of the petitioners started raising illegal construction and the original structure of the aforementioned quarter, which is a public property, was demolished without the consent of the department. A notice was served upon the mother of the petitioners to stop the illegal constructions, but she did not pay any heed, therefore, there should be no concession on equity, much less any other ground.

I have heard the learned counsel for the parties and appraised the paper book.

Before I could dictate the order, I called upon the learned counsel for the petitioners to deposit the use and occupation charges determined from 2003 to 2013 amounting to Rs.3,73,388/- and the answer was in the negative. No proof of residence has been shown as to whether the petitioners had been residing in the quarter in dispute, much less the factum that petitioner No.2 (since deceased) was an employee of BBMB. Such person cannot be permitted to occupy any building or remain in the occupation of the same by encroaching upon the land by bringing more area than the one allotted by causing changes and alterations. The site plan

placed on record clearly established this fact.

Accordingly, there is no merit in the writ petition. The same is dismissed.

March 10, 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No