

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 26438 of 2015

Date of decision : 04.10.2017

Gurwinder Singh @ Hira & ors.

....Petitioners

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

RAJAN GUPTA J.

Present petition is directed against the order dated 30.09.2015 passed by respondent no. 2 allowing the application of respondent no. 3 for eviction from the premises in question. Operative part of the order reads as under:-

“After hearing both the parties and having gone through the record available on the file. This facts have emerged that as per the report of SDM Ludhiana (West), this disputed property is ownership of applicant Smt. Parkash Kaur. The applicant has stated that all the four respondents are harassing her. The applicant does not want to retain them in her own house. Therefore, in exercise of the powers confirmed upon him as per the notification of the Punjab Government bearing No. 10/20/2014/DC dated 353259/1 dated 27.11.2014, I hereby ordered for the eviction of the respondents namely Sh. Gurwinder Singh @ Heera, Ranjit Kaur @ Pinki, Harwinder Singh @ Kaka and Rajwinder Kaur @ Rajjo resident of House No. 249, Block-B, near baba Joraveer Singh Gurdwara Dugri, Ludhiana from the house in dispute within one month.

Ordered pronounced. The file be consigned to the record room after compilation completion.”

Aforesaid order has been challenged on the ground that Tribunal did not appreciate the controversy in right perspective. Order is unsustainable being arbitrary and illegal. Petitioner-Gurwinder Singh took the plea that he had raised construction over the vacant plot which was given to him in family partition out of his own income. Petitioners are not entitled to eviction. State counsel has submitted that authority has acted in accordance with the law in view of the fact that petitioners were harassing their parents. It appears that applicant-Parkash Kaur (respondent no. 3 herein) moved an application before the tribunal stating that she and her husband Harbhajan Singh were suffering from various ailments and had also undergone surgery. Her elder son Gurwinder Singh @ Heera (petitioner no. 1 herein) was working as a mason and having good income but he refused to look after his parents. The conduct of his wife namely Ranjit Kaur and two children namely Harwinder Singh @ Kaka and Rajwinder Kaur (petitioners no. 2 to 4 herein) was equally bad. As a result, they have disowned them by publication in Jagwani newspaper dated 19.07.2015. Gurwinder Singh had two plots measuring 250 sq.yards and 100 sq. yards in Guru Teg Bahadur Nagar. She needed to get the house vacated from her elder son namely Gurwinder Singh and his family (petitioners herein) as vacant portion could be utilized for getting some rent to arrange medicine for her husband, her own ailments and other needs. On receipt of application, Deputy Commissioner sought a report from the Tehsildar (South), Ludhiana. On the basis of report, the authority came to the conclusion that necessary order needed to be passed. It, thus, directed eviction of Gurwinder Singh and his family from the premises in question. I find no infirmity with the order. It

appears that same has been passed after due consideration and seeking report from the concerned Tehsildar. Petition is, thus without any merit and is hereby dismissed.

October 04, 2017
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No