

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.24848 of 2017

Date of Decision: November 07, 2017

Gagandeep

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Parvez Chugh, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of certiorari for quashing the order dated 17.5.2017 passed by respondent No.4 by which an application filed under Sections 4 & 5 of the Public premises (Eviction of Unauthorised Occupants) Act, 1971 [for short 'the Act'] has been allowed by respondent No.4 and the order dated 18.7.2017 passed by the Commissioner, Ferozepur, dismissing the appeal.

In brief, the SMO, Ferozepur filed an application under the Act for seeking eviction of the petitioner from one shop/canteen situated at Civil Hospital, Ferozepur and for recovery of lease amount w.e.f. 14.9.2003 onwards amounting to ₹6,85,842/- on 1.9.2006 alleging that the petitioner had taken canteen on lease through tender for a sum of ₹1,62,000/- per annum with 10% enhancement every year. The petitioner has allegedly filed a suit to retain the possession. The suit was withdrawn on 24.8.2005 and another civil suit was filed which was dismissed on 9.6.2006. Since, the petitioner failed to pay the licence fee, electricity bill etc, therefore, he was

in unauthorized possession of canteen from 13.9.2003 and the application was filed for seeking eviction and recovery. Both the Courts below have found that the petitioner is in unauthorized possession of canteen and is in arrears. It was also found that the petitioner is doing some job in Delhi since 2003 and has practically sublet the canteen. The Court has also found that in spite of granting 17 opportunities, he did not lead any evidence and kept on filing applications one after the other to gain time.

Learned counsel for the petitioner has submitted that after the expiry of lease period in September 2003, he has offered to pay ₹60,000/- as annual lease and the respondents by their act and conduct duly agreed to it but this fact was not considered while passing the impugned orders.

I have heard learned counsel for the petitioner and after perusal of the entire record, am of the considered opinion that there is no error in the impugned orders passed by the Courts below because the petitioner has been in unauthorized possession after 2003, did not participate in the proceedings as he did not lead any evidence and filed civil suit unnecessarily to retain the possession.

Consequently, there is hardly any reason in this petition for the purpose of interference and as such the same is hereby dismissed.

NOVEMBER 07, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No