

CWP No.25800 of 2017

[1]

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

**CWP No.25800 of 2017
Date of decision:13.11.2017**

Pritpal Singh

...Petitioner

Versus

Panjab University, Chandigarh and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.R.Dhawan, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has prayed for a writ in the nature of *certiorari* for quashing the order dated 06.10.2017 passed by the Estate Officer, Panjab University, Chandigarh under the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (hereinafter referred to as the "Act") and the order dated 06.10.2017, by which appeal filed by the petitioner has been dismissed by the Additional District Judge, Chandigarh.

In brief, vide allotment letter No.15374/BS dated 31.01.2015, the petitioner was allotted a kiosk for a period of two years for providing refreshment in the Panjab University Grounds (near Shooting Range), for which the petitioner had paid advance rent @ ₹2,500/- per month. However, possession of the kiosk was allegedly given to him in June, 2015 and the kiosk was inaugurated on 01.06.2015. On 30.06.2016, a notice was served upon the petitioner by the Registrar of the University under Section 106 of the Transfer of Property Act, 1882, in which it was also averred that because of a firing

incident dated 08.04.2016, the Committee constituted by the Vice Chancellor has taken the decision to remove the kiosk in order to maintain law and order in the University campus as it has been reported by various quarters that the kiosk has become the hub of anti-social activities.

Be that as it may, the petitioner filed the Civil Suit for injunction, in which a statement was made at the instance of the University that the petitioner would not be ejected from the kiosk otherwise then due course of law. Accordingly, the said suit was withdrawn by the petitioner.

Thereafter, the University filed a petition for seeking eviction of the petitioner alleging that he is occupying the kiosk without executing any agreement or lease deed and is also a defaulter. It was also alleged that the petitioner was served with a notice under 106 of the Transfer of Property Act, 1882. The said petition was decided against the petitioner by the Estate Officer vide his impugned order dated 27.10.2016, in which it was categorically observed that after filing reply, the petitioner did not lead any evidence despite availing several opportunities. The Estate Officer has held that the University is not entitled to any arrears of rent and the petitioner was also not entitled to retain the possession and, thus, the order of eviction was passed, which was challenged by the petitioner by way of an appeal filed under Section 9 of the Act before the District Judge, Chandigarh. The said appeal was also dismissed with the observation that besides filing written reply, the petitioner did not lead any evidence despite availing several opportunities and approved the order of the Estate Officer.

Learned counsel for the petitioner has though argued that the documents were attached with the reply but he could not deny that otherwise,

no evidence was led and has failed to demolish the findings recorded by both the Estate Officer as well as the Additional District Judge.

Consequently, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

November 13, 2017
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(Rakesh Kumar Jain)
Judge

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