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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5635-2015

Date of decision : 17.02.2017

Satnam Singh and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Ajay Jain, Advocate
for the petitioners.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.

AMIT RAWAL, J. (ORAL)

The petitioners are aggrieved of the impugned order dated 04.03.2015 (Annexure P-5), whereby an application for framing the issues in the proceedings under Haryana Public Premises and Land (Eviction of Rent Recovery) Act, 1972, has been declined.

Mr. Ajay Jain, learned counsel appearing on behalf of the petitioners submits that a specific question with regard to the title of the property had been initiated and therefore, issues were required to be framed. In support of his contentions, he relies upon the *ratio decidendi* culled out by this Court in "Harbhajan Singh @ Bhajan Singh V/s State of Punjab" 1992 (1) RRR 178 and "Sarjiwan Tiwari V/s Punjab State Electricity Board" 1998 (2) RCR (Civil) 3.

Per contra, Mr. Sandeep Singh Mann, Sr. DAG, Haryana submits that these are the summary proceedings and therefore, there is no

requirement of framing the issues. The title is admitted and therefore, the application was just an attempt to prolong and delay the proceedings, thus, urges this Court for dismissal of the present writ petition.

I have heard the learned counsel for the parties and appraised the paper book. On going through the stand in the written statement, a specific objection with regard to the title has been raised. Once there is a dispute in rebuttal, the authorities under the 1972 Act were required to frame the issues. The aforementioned view of mine is derived from the *ratio decidendi* culled out by this Court in **Harbhajan Singh @ Bhajan Singh's case** (supra).

For the foregoing reasons, the impugned order under challenge is not sustainable and the same is hereby set aside.

The Sub-Divisional Officer is directed to frame the issues in the proceedings under 1972 Act and give the liberty to the parties to lead evidence and decide in accordance with law.

CWP is allowed in the aforementioned terms.

17.02.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**