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

CWP-6470-2015

Date of decision : 01.05.2017

Municipal Corporation, Amritsar

... Petitioner(s)

Versus

Deputy Commissioner, Amritsar and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Sanjeev Soni, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. L.M. Gulati, Advocate
for respondent No.3.

AMIT RAWAL, J. (ORAL)

The grievance of the petitioner/Municipal Corporation, Amritsar, in the present writ petition is that the proceedings initiated under Sections 5 and 7 of the Punjab Public Premises (Eviction and Rent Recovery) Act, 1973 (for short 'the 1973 Act') were lacked on the ground that it was not supported by resolution of the Municipal Corporation.

Mr. Sanjeev Soni, learned counsel appearing on behalf of the petitioner submits that the resolution is on record, but there is a misreading of the same.

This Court while issuing notice of motion though, had called for the record and the other party had not rebutted the same by filing any document, but the written statement is on record. The plea has been taken

that it is a case of relationship of landlord and tenant, therefore, the 1973 Act would not apply.

Be that as it may, but the fact remains that the filing of resolution can always be corrected in view of the provisions of Section 29 of the Code of Civil Procedure. This aspect is required to be readdressed/revisited.

Resultantly, the impugned order dated 14.10.2014 (Annexure P-6) passed by the Deputy Commissioner/respondent No.1, dismissing the appeal, preferred by the Municipal Corporation, Amritsar, is hereby set aside and the matter is remitted back to the Deputy Commissioner, Amritsar, to adjudicate the matter by taking into consideration the observations and provisions of law in a most pragmatic and objective manner, much less, by affording the opportunity of hearing to the parties in accordance with law. It is expected that the Commissioner shall decide the matter as expeditiously as possible preferably within a period of five months from the receipt of the certified copy of this order.

The parties as well as through their counsels are directed to appear before the Deputy Commissioner, Amritsar on 30.05.2017.

Disposed of, accordingly.

01.05.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**