

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

1. CWP No.8850 of 2014
Date of decision : 10.01.2017

Bansidhar and another

...Petitioners

Versus

State of Haryana and others

..Respondents

2. CWP No.8930 of 2014
Date of decision : 10.01.2017

Bansidhar

...Petitioner

Versus

State of Haryana and others

..Respondents

3. CWP No.8936 of 2014
Date of decision : 10.01.2017

Raj Kumari

...Petitioner

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Abhinav Sood, Advocate for the petitioner(s).

Mr. D. Khanna, Addl. A.G. Haryana.

Mr. Divay Sarup, Advocate for respondent Nos.5 and 6.

AMIT RAWAL, J. (Oral)

This order of mine shall dispose of aforementioned three writ petitions.

Challenge in the present writ petitions is to the orders dated 26.07.2011 (Annexure P-2) passed by respondent No.3-Collector, Hisar, order dated 29.11.2011 (Annexure P-3) of respondent No.2-Commissioner, Hisar and 23.07.2013 (Annexure P-4) of respondent No.1-FCI, whereby the appeal and the revisions filed by invoking the provisions of Punjab Security of Land Tenures Act, 1953, have been dismissed.

Mr. Abhinav Sood, learned counsel appearing on behalf of petitioner(s) submits that landlord had filed the rent/eviction petition by invoking the provision of Section 9 of the Punjab Security of Land Tenures Act, 1953 as the tenants-respondent Nos.5 and 6 were to tender the arrears of rent, in essence, one of the ground for seeking ejectment. The Assistant Collector, Ist Grade-cum-District Revenue Officer-respondent No.4 vide order dated 27.12.2010 passed the ejectment order. However, the said order was assailed by respondent No.5 and the matter was remitted back as respondent No.4 had not adhered to the provision of Section 14-A(1) of 1953 Act, in essence, had not assessed the arrears of rent and enabling tenant an opportunity to tender the same. Though, in pursuance to the aforementioned order, assessment was done on 06.09.2011 but the same was not tendered owing to stand of the private respondents that rent had already

been deposited in treasury through challan. Keeping in view the assessment order, the Commissioner disposed of the revision petition directed the parties to appear before the respondent No.4.

He further submits that in the absence of tendering of rent and depositing of the same in the treasury does not suffice the compliance of discharge of the obligation and, therefore, the ejectment order is liable to be sustained.

Per Contra, Mr. Divay Sarup, learned counsel appearing on behalf of respondent Nos.5 and 6 submits that petitioners are at liberty to withdraw the amount as deposited in the order of Commissioner, in essence, no ground for ejectment after deposit as available to the petitioner(s) as ejectment and thus urges this Court for dismissal of the present writ petition.

Mr. D. Khanna, learned State counsel submits that official respondents have been arrayed owing to the fact that the orders have been passed being quasi judicial authorities.

I have heard learned counsel for the parties and seen the paper book and of the view that ground of ejectment is no longer sustainable in view of the fact that since respondent Nos.5 and 6 had deposited the rent through challan as noticed by the Commissioner in the order dated 29.11.2011 (Annexure P-3), nothing prevents or precludes the petitioner(s) to withdraw the same. If at all the arrears of rent are found to be deficient, the petitioner(s) can always espouse grievance in competent court of law but not in the manner and mode by filing revisions, in essence, revision before the Commissioner was filed on 19.09.2011. By that time, order of assessment of rent had already been done vide order dated 06.09.2011.

Filing of the revision before the Commissioner is thus, totally farcical exercise.

For the reasons aforementioned, I do not intend to differ with the findings rendered by the authorities below.

No interference is called upon, much less, no scope for the judicial review.

Writ petitions are accordingly dismissed.

10.01.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No