

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANAAT CHANDIGARH**

CWP No.29625 of 2017

Date of Order: 22.12.2017

Balraj Singh

....Petitioner

Versus

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present : Mr. M.K. Singla, Advocate for the petitioner.

RAKESH KUMAR JAIN, J (ORAL)

The petitioner has challenged the notice dated 24.10.2017 served upon him by the District Development and Panchayat Officer, exercising powers of the Collector, Sangrur on a petition under Sections 4 & 5 of the Punjab Public Premises and Lands (Eviction and Rent Recovery) Act, 1973 (for short "1973 Act") filed at the instance of the Gram Panchayat Phulad, Tehsil Moonak, District Sangrur.

Learned counsel for the petitioner submits that in the past, the Gram Panchayat had filed an application against him and others under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961. The said application was initially allowed but ultimately the order of the eviction was set aside by the Division Bench of this Court. The S.L.P filed by the Gram Panchayat was also dismissed. When the petitioner received the impugned notice, he appeared before the D.D.P.O and then applied for certain documents for the purpose of preparing the reply. Application for seeking documents was made before the Sewa Kendra at District Complex, Sangrur. The date given by the Sewa Kendra to the petitioner for providing documents was 27.11.2017. Since the file was not sent by the Court of the

Collector, Sangrur, therefore, the documents could not be made available. The petitioner was thus not in a position to file reply supported by the documents and now the case is allegedly adjourned to 09.1.2018. The petitioner is apprehending that the D.D.P.O may pass order of eviction against him as the petition under Sections 4 & 5 of 1973 Act was filed in the year 2013 and notice has been served on the petitioner in 2017.

After hearing learned counsel for the petitioner and taking into account the facts and circumstances narrated hereinabove, the present petition is disposed of with a direction that the documents shall be made available by the D.D.P.O to the petitioner within a period of seven days from the date of receipt of certified copy of this order so that the petitioner may contest the application filed against him under Sections 4 & 5 of 1973 Act. Till the said documents are supplied to the petitioner, status quo shall be maintained with regard to possession of property in question.

December 22, 2017
manoj

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No