

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

**CWP No. 8068 of 2017**

**Date of decision : 10.08.2017**

Gurcharan Singh & ors.

...Petitioners

V/s

Additional deputy Commissioner-cum-Additional District Magistrate, SAS  
Nagar (Mohali) & ors.

...Respondents

**BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Harsh Aggarwal, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G. Punjab.

Mr. Pawan K. Sharma, Advocate for respondent no. 2.

**RAJAN GUPTA J.**

Petitioners have posed a challenge to order dated 03.03.2017 passed by Deputy Commissioner while exercising powers of the authority under the Act. Brief factual background of the case is that Parkash Chand (respondent no. 2 herein) filed an application seeking eviction of the petitioners from the property in question. Property is situated in village Mubarikpur. Allegation of respondent no. 2 is that he is being harassed at the hands of petitioners. Matter was raked up before Deputy Commissioner who sought report from Sub Divisional Magistrate regarding ownership of the property. It was found that Parkash Chand was owner of the property. After considering the entire material on record, the authority passed an order restraining the petitioners from interfering in the property owned by Parkash Chand. Aggrieved, present petition has been preferred before this court.

During the pendency of the petition, coordinate Bench (M.M.S. Bedi, J)

directed the District Magistrate to send a report whether respondent no. 2

was not permitted to stay in any portion of the premises. Pursuant to same, Additional Deputy Commissioner asked the Tehsildar to visit the place. A report has been filed, operative party thereof reads as under:-

*“After visiting the spot it was found that Sh. Parkash Chand S/o Jewa Singh (Respondent No. 2) has been residing in the office on the ground floor which falls in Khasra No. 46//12/1 of village Mubarakpur. In this Khasra number a double storey house has been built up and one saw mills is in working condition. In the office where Parkash Chand (Respondent no. 2) is residing there is no amenities like washroom available.*

*It is also necessary to mention here that Sh. Parkash Chand (respondent no. 2) has two sons namely Gurcharan Singh (Petitioner No. 1) and Dharampal which are residing on first floor at there different portions. Sh. Dharampal elder son of Sh. Parkash Chand (Respondent No. 2) gives food to Sh. Parkash Chand (Respondent no. 2).”*

Apart from above, there is report, Annexure P10 on record according to which Kamla Devi gifted a part of property to her daughter-in-law Amarjit Kaur w/o Gurcharan Singh in the year 2015 and mutation No. 5337 regarding deed no. 3026 dated 3.09.2015 was entered in this regard. Applicant-Parkash Chand has constructed a saw mill and house in the property in question. From the report on record, it is clear that applicant-Parkash Chand is living in portion of the house where there are no amenities like washroom etc. Despite being owner of the property, these facilities have been denied to him. It appears that the authority below also explored the possibility of amicable settlement between the parties. As no settlement could be arrived at between the parties, it restrained the petitioners from interfering in the property owned by Parkash Chand and ordered ejectment

from the house in dispute. There can be no doubt that the gift having been

made in the year 2015 would come within the ambit of the Act which came into operation on May, 2015. I, thus, find no infirmity with the order. Petition is without any merit and is dismissed.

August 10, 2017  
*Ajay*

(RAJAN GUPTA)  
JUDGE

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