

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 1351-2018 (O&M)
Date of decision: 27.02.2018

Parmod Bagri

.....Petitioner

versus

The Hisar Improvement Trust

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.F.C.Virk, Advocate for
Mr.Arvind Rajotia, Advocate for the petitioner

- 1. Whether Reporters of Local Newspapers may be allowed to see the judgment ?*
- 2. To be referred to the Reporters or not ?*
- 3. Whether the judgment should be reported in the Digest?*

Kuldip Singh, J. (Oral)

Impugned in the present revision is the order dated 25.9.2017 (Annexure P1), passed by learned Civil Judge (Junior Division), Hisar, vide which, application for restoration of the possession was dismissed.

It comes out that the plaintiff has filed a suit for permanent injunction against the Hisar Improvement Trust for restraining it from taking forcible possession of the plot. The said plot was on lease with the plaintiff. The said lease has expired. Therefore, learned Civil Judge (Junior Division), Hisar, vide order dated 25.11.2014, while noticing that lease has already expired, granted liberty to the defendants to dispossess the plaintiff in due course of law and also directed that he cannot be dispossessed except in due course of law. It comes out that during pendency of the suit, respondent resorted to the provisions of Section 408-A of Haryana Municipal Corporation Act, 1994 (in short, 'the Act') after serving one

month's notice dispossessed the plaintiff. Thereafter, plaintiff filed an application for restoration of the possession. The trial Court has noticed that during pendency of the suit, due process of law has been followed. Therefore, dismissed the application for restoration of possession.

Learned counsel for the petitioner contends that provisions under Section 408-A of the Act could not be followed in the present case, as the property belongs to the Improvement Trust.

I am of the view that if the petitioner is aggrieved that due process of law has not been followed, he is required to challenge the notice issued under Section 408-A of the Act. Trial Court has also noticed that the plaintiff has availed all the remedies before the competent Court but failed to get any relief. His appeal against the notice issued under Section 408-A of the Act has been dismissed by the competent Court. As such, there is no ground to interfere in the impugned order.

Resultantly, the present revision petition stands dismissed.

27.02.2018

gk

**(Kuldip Singh)
Judge**

Whether speaking/ reasoned:

Yes

Whether Reportable:

No