

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

Sr. No.329

RSA No.680 of 1989 (O&M)

DECIDED ON: October 23, 2018

THE STATE OF PUNJAB AND OTHERS

..APPELLANT

VERSUS

SHANTI DEVI

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Ms. Amarjeet Kaur Khurana, DAG, Punjab.

Mr. Ranjit Sharma, Advocate,
for the respondent.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of both the courts below decreeing a suit for declaration filed by the respondent. The case of the respondent was that he had been allotted quarter No.48, Shiv Nagar, Labour Colony, Islamabad, Amritsar vide allotment order No.291 dated 16.06.1954 and he was entitled to have a conveyance deed in his favour. He also sought injunction against the claim of rent which had been made by the appellant-State of Punjab. Both the courts have been decreed the suit, the present appeal has been filed.

Learned Deputy Advocate General has argued that quarter was allotted to the respondent since he was an industrial worker in terms of

RSA No.680 of 1989 (O&M)

Punjab Industrial Housing Act, 1956 (for short ‘Act’). However, at one stage, he sought eviction against another person A.S.I. Budh Singh Sharma, in that petition was allowed. Both the courts below have wrongly relied upon the judgment in that case to hold that respondent had been allotted the house in the capacity of an owner. As per the DAG, the Act does not envisage permanent allotment of the house but merely makes provision for providing housing for industrial workers. She has referred to the judgment dated 27.01.1979 (rendered in the previous case). A perusal of the judgment reveals that the Sub-Judge, 1st Class, Amritsar had only described the respondent as an allottee and had decided the case of the respondent vis-à-vis a third person. Neither there was any issue about the status of the respondent nor did Court ever decide that the respondent had been allotted the quarter as an owner. Counsel for the respondent is not in a position to show how any quarter could be allotted permanently under the aforementioned Act. He is also not in a position to deny that in the previous suit, the issue of title was never decided in favour of the respondent.

In view of these findings, appeal is allowed and judgments of both the courts below are set aside and suit filed by the respondent is dismissed.

October 23, 2018
Ankur

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No