

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

CWP No. 5833 of 2012

Date of decision : 09.08.2018

Inder and anr.

...Petitioner

versus

State of Haryana & ors.

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Kiran Pal Singh, A.A.G. Haryana

Mr. Jagdish Manchanda, Advocate
for respondent No. 4

RITU BAHRI, J. (Oral)

The present writ petition is against order dated 15.11.2011 and order dated 08.04.2011 vide which the petition under Sections 4,5,7 of Haryana Public Premises Act has been allowed.

Learned counsel for the petitioner refers to Annexure P-7 to contend that there is no land belonging to Municipal Council, Hodal. The ownership of Khasra No. 683 was with Government, Haryana Education Department. Thus, the eviction petition filed by the Municipal Council, Hodal is not maintainable.

On 06.07.2018, learned counsel for respondent No. 4 states that he will bring to the notice of this Court about any such type of authority given by the Haryana Government to Municipal Council, Hodal to file such type of petitions.

Today, an affidavit of respondent No. 1 has been filed in the

Court today stating therein that the Municipal Council, Hodal has no authority specifically issued by the Education Department to manage the land owned by the Education Department Government of Haryana. However, the land is in unauthorized possession of the petitioners and others. The permission be granted to the Education Department to initiate proceedings against the petitioners as per law.

In view of the above factual position, the writ petition is allowed. Order dated 15.11.2011 and order dated 08.04.2011 are set aside. However, a liberty is granted to the the Education Department to initiate proceedings against the petitioners as per law.

(RITU BAHRI)
JUDGE

09.08.2018
G Arora

Whether speaking/reasoned	Yes
Whether reportable	No