

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

126

CWP-20631-2018

Date of decision: 27.08.2018

Sudesh Rani

....Petitioner

Versus

Estate Officer & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: None for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Present writ petition has been filed for quashing the order dated 13/18.11.2015 (Annexure P-2) whereby the petitioner has been held to be in unauthorized occupation. The said order has been upheld in appeal on 14.05.2018 (Annexure P-6), which is also subject matter of challenge.

Case has been called twice but there is no appearance on behalf of the petitioner.

On 18.08.2018, the followed order was passed:

“Challenge in the present writ petition is to the order of eviction passed on 13/18.11.2015 (Annexure P-2) by the Sub Divisional Magistrate, Chandigarh while exercising the powers of the Estate Officer under Public Premises (Eviction of Unauthorized Occupants) Act, 1971. The order has been upheld in appeal by the Additional District Judge, Chandigarh on 14.05.2018 (Annexure P-6).

In short, the husband of the petitioner was working a Jamadar in the office of the Financial Commissioner, Haryana and he expired on 09.05.2012. His family members then continued to occupy the Government accommodation bearing H. No. 2867/1, Sector 20-A, Chandigarh, which was only cancelled on 01.05.2015, which has led to the order of eviction by holding them to be in unauthorized occupation. The appeal has been

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dismissed both being time barred and on merits on the ground that the appellant has retained the house in question beyond the permissible period of three years and, therefore, no ground as such is made out.

Counsel for the petitioner also could not as such press forth any legal submissions on this aspect apart from holding out that the deceased employee was to retire in 2020 and the family be allowed to continue till then. Once the death had taken place 6 years back and thereafter on account of cancellation of the allotment order has been passed, no case is as such made out. The argument which is raised is misconceived and does not merit acceptance in any manner in the facts and circumstances.

Faced with this situation, counsel submits that an undertaking will be given by way of affidavit that the petitioner shall vacate the premises within a period of 3 months and subject to the clearance of all dues and payment of penal rent which she is liable to pay as per the Rules.

To come up on 27.08.2018, for filing of the said affidavit. It is made clear that in case the same is not done, no further indulgence is liable to be granted to the petitioner.”

In view of the fact that no affidavit has been filed and keeping in view the facts noticed above, no case is made out for interference.

Accordingly, the present petition is dismissed in limine.

27.08.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*