

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21818-2018 (O & M)

Date of decision: 14.11.2018

Harbhajan Lal

.... Petitioner

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: None for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

Ms. Swati Batra, Advocate, for respondents No.3 and 4.

RAJAN GUPTA , J. (Oral)

Petitioner has impugned the order dated 18.04.2018 passed by Deputy Commissioner-cum-District Magistrate, Jalandhar. Operative part thereof reads as under:-

“Both the parties were heard. Complainant’s complaint and concerned record of the subject cited case has been scrutinized. As per the report received from Sub Divisional Magistrate, Jalandhar-1, property in dispute falls within Red line and owner of the property is Harbhajan Lal, but it is worthwhile to mention that respondents Mangat Ram is patient of Hepatitis. It was informed by both the parties that both the parties are residing in separate portion of the property. Complainant is residing at ground floor, whereas respondents and his wife and daughter are residing at first floor in one room. To oust the respondents from the above house shall be against the principles of natural justice. Because respondents Mangat Ram is already patient of Hepatitis and he has not other house to live except the house in dispute. Thus, present complaint of the complainant is being rejected upon perusal.”

It is evident that provisions of the Act as well as various judgments on the issue have not been taken into consideration by the authority while passing the aforesaid order. It appears that the matter has to be remitted to the same authority for a decision afresh.

Learned State counsel has no objection to this.

In view of the above, petition is hereby allowed. Matter is remitted to the same authority for a decision afresh within two months after affording an opportunity of hearing to the parties.

(RAJAN GUPTA)
JUDGE

November 14, 2018
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No