

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

CWP No.4386 of 2018

Date of Decision : 06.04.2018

Bishan Dass and others

....Petitioners

Versus

Deputy Commissioner, Hoshiarpur and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

....

Present: Mr.Vikram Singh, Advocate
for the petitioners.

MAHESH GROVER, J. (Oral)

The petitioners are unauthorised occupants who have constructed shops on the land of the Gram Panchayat. On a previous occasion they came to this Court by way of CWP No.4947 of 2009 which was disposed of as follows :-

“[3] Since the above-cited order was passed in respect of the land/shops in the same village where the present petitioners have also constructed shops on the land which is claimed to be owned by Gram Panchayat, they too are liable to pay the monthly rent for the land as per the report of the Assessment Committee. We, thus, hold that the petitioners are liable to pay the revised rent for the land/shops at the same rate as has been determined in **Santokh Singh**’s case (supra).

[4] Ordered accordingly.

[5] The petitioners shall be liable to pay the revised rent from 01.01.2017 subject to suitable revision of rent after every three

years whereupon the Gram Panchayat may renew the lease period after three years.

[6] Since the instant writ petition has arisen out of eviction proceedings only, the same is disposed of without prejudice to the rights of the petitioners to raise the title claim by way of an appropriate suit which they may file before the Collector. However, till the decision of such suit, they shall continue to pay the revised rent, as determined above.

The directions of the Hon'ble Division Bench flow from an earlier precedent in **CWP No.5303 of 2015** (*Santokh Singh and others v. State of Punjab and others*). The petitioners are thus bound to the ratio of the judgment in *Santokh Singh's case* (supra) wherein it was directed that rent be paid in accordance with the report of the Assessment Committee.

The petitioners now being bound by the said mandate would refer to Annexure P-7 to contend that since they have constructed the shops, they would be required to pay rent @ Rs.2.11 per sq.ft per month only and not at the rate of 7% per sq.ft. per month.

We are of the opinion that the judgment of the Hon'ble Division Bench says nothing of the sort and only binds the petitioners to the report of the Assessment Committee and payment in terms thereof. The interpretation sought by the petitioners does not manifest itself from the order of the Division Bench and confronted with this situation, learned counsel for the petitioners prays for permission to withdraw the instant petition with liberty to approach the Hon'ble Division Bench for clarification of the order.

Dismissed as withdrawn with the liberty aforesaid granted.

(MAHESH GROVER)
JUDGE

06.04.2018
dss

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No