

(101) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1873 of 2016 (O&M) in

CWP No.7431 of 2002

Date of decision: 05.04.2018

Sushil Kumar

.... Appellant

Versus

Additional Commissioner (Appeals), Patiala and
others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Arun Jindal, Advocate for the appellant.

Rajesh Bindal, J.

CM No.3874 of 2016

For the reasons mentioned in the application, the same is allowed
and delay of 103 days in refiling the appeal is condoned.

Main Case

Order passed by the learned Single Judge dated 17.12.2014
dismissing the writ petition has been impugned by filing the present intra-court
appeal.

The prayer made in the writ petition was for quashing of the order
dated 18.03.1997 whereby the appellant was evicted from the plot in dispute and
also directed to pay arrears of rent of the said plot and order dated 26.08.1999

vide which order passed by the authorities under the Public Premises Act directing eviction of the appellant was upheld.

The property in dispute was initially leased out to one Maqsood Ali who had sublet the same to the appellant without there being any enabling provision in the lease deed executed in his favour. The same expired on 31.03.1992 and ever since then the matter is in litigation as the eviction proceedings were initiated against the appellant as well as the lessee. It was on account of unauthorized possession and non-payment of the rent.

Considering the aforesaid facts, we do not find that there is any error in the order passed by the learned Single Judge as the appellant does not have any right in the property in question. However, he shall be entitled to participate in the process whichever is adopted by the Municipal Council for allotment of the plot/shop in question on lease or rent. Further, in case there is any policy of the Government in terms of which the plot/shop in question can be allotted to the appellant on fresh terms, the matter may be considered.

Accordingly, the present appeal is disposed of with the aforementioned observations.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

05.04.2018
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1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.