

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

LPA No.1966 of 2016 (O&M) in

CWP No.7406 of 2005

Date of decision: 06.04.2018

Prem Lata

.... Appellant

Versus

State of Punjab 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.4055 of 2016

For the reasons mentioned in the application, the same is allowed and delay of 01 year and 192 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 10.04.1997 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 06.11.2001 vide which order passed by the authorities under the Public Premises Act directing eviction of the appellant was upheld.

The property in dispute was leased out to the appellant and respondent No.5. The same expired on 31.03.1992 and ever since then the matter is in litigation as the eviction proceedings were initiated against them. 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, she 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 terms.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

06.04.2018
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1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.