

(112)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2266 of 2017 (O&M)
in CWP No.4028 of 1994
Date of decision: 02.04.2018

Dharambir (Deceased) through his LRs

..... Appellant

Versus

Commissioner, Rohtak Division and others

.... Respondents

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

Present: Mr. Ramesh Hooda, Advocate for the appellant(s).

Rajesh Bindal, J.

Order passed by the learned Single Judge dismissing the writ petition has been impugned by filing the present intra-court appeal. Along with the present appeal, an application seeking condonation of 1,051 days' delay in refiling thereof, has also been filed.

Prayer in the writ petition was for quashing of the order dated 08.10.1993 passed by the Collector, Sonapat (respondent No.2) and order dated 10.02.1994 passed by the Commissioner, Rohtak Division, Rohtak (respondent No.1). Proceedings were initiated against the appellant under the provisions of Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972.

Predecessor in interest of the appellant claimed that he was in possession of the land as a co-sharer as the land was recorded as '*shamilat thola*'. However, nothing was produced on record in support thereof. In

fact, the Jamabandi for the year 1960-61 records the land as '*gair mumkin johar (pond)*'. The claim of the appellant that he was in possession of the aforesaid land prior thereto, is falsified from this fact alone. The appellant was shown to be in possession of the land by way of an isolated entry in the Jamabandi for the year 1975-76. The same was later on got corrected by the Gram Panchayat.

Considering the fact that the appellant has not been able to make out the case that he had any right, title or interest in the property in question, there is no error in the order passed by the learned Single Judge whereby the orders passed by the authorities below were upheld.

Accordingly, the appeal as well as application seeking condonation of delay in refiling thereof are dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

02.04.2018
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1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.