IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 2458 of 2017 (O&M) in
CWP No. 24351 of 2017
Date of decision: 6.2.2018

Sant Kaur (since deceased) through her LRs

.. Appellant

v.

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jain, Advocate for the appellant.

...

Rajesh Bindal J.

The order passed by the learned Single Judge dismissing the writ petition filed by the appellant, whereby the orders passed by the authorities under the Punjab Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for short, 'the Act') have been upheld, has been impugned by filing the present intra-court appeal.

It was claimed that earlier two applications filed by the Irrigation Department under the Act were dismissed, hence, third application filed by the Forest Department was not maintainable for the same relief.

After hearing learned counsel for the appellant, we do not find any error in the order passed. As per the revenue record produced with the writ petition as Annexure P-1, namely, jamabandi for the year 2011-12,

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High Court,Chandigarh

State of Punjab, Department of Irrigation, has been recorded to be the owner of the property. Before the learned Single Judge, an alternative plea was sought to be taken that the petitioner (appellant herein) had become owner of the property by way of adverse possession. Meaning thereby, ownership of the applicant-Irrigation Department before the authorities was admitted. It has further been noticed by the learned Single Judge that CR No. 1419 of 2002 filed by the present appellant was also dismissed upholding the maintainability of the eviction petition filed by the Forest Department. The plea of *res judicata* with reference to two earlier applications filed by the Irrigation Department having been rejected was also considered therein. It was fairly submitted by learned counsel for the appellant that after dismissal of the writ petition, possession of the land in question had been taken by the State.

Keeping in view the aforesaid facts where the appellant had not been able to establish any right or title in the property in question, we do not find any error in the order passed by the learned Single Judge.

Accordingly, the appeal is dismissed.

(Rajesh Bindal)
Judge

(Anil Kshetarpal)
Judge

6.2.2018
mk

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

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