

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1778 of 2018 (O&M)
Date of Decision :17.12.2018

The Bhiwan Sehkari Samiti Limited, Bhiwan

.....Appellant

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

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

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, is directed against the judgment and order dated 6.9.2018, passed by the learned Single Judge dismissing the writ petition filed by the appellant-Society herein.

Undisputed facts are that the appellant which is a registered Co-operative Society, filed a petition for eviction of respondent No.4, under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 (hereinafter referred to as 'the Act'). The District Revenue Officer-cum-Authorized Collector, Sirsa, dismissed the same being not maintainable which was affirmed by the Commissioner, Hisar Division in appeal. The writ petition filed has also been dismissed on the same ground. The application has been held to be not maintainable in view of the definition of Public Premises as defined under the Act which read as under:-

2.Definitions:- In this Act, unless the context otherwise requires:-

- (a)

xxx

xxx

xxx
- (b)

xxx

xxx

xxx
- (c)

xxx

xxx

xxx
- (d)

xxx

xxx

xxx
- (e)

“Public Premises” means, any premises belonging to, or taken on lease or requisitioned by, or on behalf of, the State Government, or requisitioned by the competent authority under the Punjab Requisitioning and acquisition of Immovable Property Act, 1953, and includes any premises belonging to any local authority, or District Soldier', Sailors and Airmen's Board or any university established by law or any Corporation or Board owned or controlled by the State Government or a Wakf registered with the Haryana Wakf Board”.

Admittedly the proceedings under the Act are summary in nature and are only confined to such property which are covered under the definition of Public Premises Act. Land held by the Registered Co-operative Society is not included within the definition of public premises, hence, the application has rightly been held to be not maintainable by the authority as well as by the learned Single Judge of this Court. Learned Single Judge has also relied upon the judgment of the Apex Court in the case of **S.S.Dhanoa Vs. Municipal Corporation of Delhi AIR 1981**

Supreme Court 1395 to support the contention that Co-operative Society was not a Corporation, hence, the land held by it would not fall under the Public Premises as defined under the Act.

We see no reason or good ground to take a view different from the one taken by the learned Single Judge based upon the pronouncement of the Hon'ble Apex Court. The appeal is devoid of merit and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.12.2018

Manoj Bhutani

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