

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Civil Writ Petition No.6994 of 2019

Date of Decision: April 11th, 2019

Jaswant Singh and others

...Petitioners

Versus

Collector Sub Divisional Budhlada and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jagtar Singh Sidhu, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner have approached this Court challenging the order dated 17.12.2018 (Annexure P-5/T) vide which the order passed by the Collector, Sub Division Budhlada-respondent No.1 has been set aside by the District Collector exercising the powers of the Commissioner under the Public Premises Act, Mansa-respondent No.2 ordering eviction of the petitioners from land measuring 20 kanals and 2 marlas situated in the revenue area of Budhlada, District Mansa.

2. It is the contention of learned counsel for the petitioners that initially the proprietors of the village were in possession of the land in question which was *jumla mushtarka malkan*. Petitioners had purchased the possessory rights of the land from those persons and in pursuance thereto, they came in possession of the land in the year 1976 and are continuing as such. An application for eviction has been preferred by the Municipal Council, Budhlada-respondent No.4 under Section 4, 5 and 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. The said application was rejected by the Collector, Budhlada, vide order dated 15.06.2018 (Annexure P-3/T). An appeal was preferred by the

the power of Commissioner, Mansa, which appeal has been allowed vide order dated 17.12.2018 (Annexure P-5/T). He contends that the said order passed by the Appellate Authority cannot sustain as the same is contrary to the factum that the petitioners are in possession of the land, possessory rights whereof have been purchased by the petitioners and are, therefore, in authorized possession of the land. He, thus, contends that the impugned order deserves to be set aside.

3. I have considered the submissions made by learned counsel for the petitioners and with his assistance, have gone through the records of the case as well as the impugned order.

4. Perusal of the impugned order and specifically the *jamabandi*, which has been placed on record, clearly indicates that the owner of the property is the Municipal Council, Budhlada. The land measuring 20 kanals and 2 marla is admittedly in possession of the petitioners. Nothing has been placed on record which would justify the possession of the petitioners on the said land. In the absence of any documentary evidence regarding the petitioners being in authorized possession of the disputed land or they being the owners of the said land, the claim of the petitioners could not have been accepted by the competent authority. The Deputy Commissioner has proceeded to decide the case on the basis of the pleadings and the documents placed on record. The impugned order being in accordance with law do not call for any interference.

5. In view of the above, the order dated 17.12.2018 passed by the Deputy Commissioner exercising the power of Commissioner, Mansa, is hereby upheld.

6. There being no merit in the present writ petition, the same stands dismissed.

April 11th, 2019
Puneet

AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No