

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.:110

Civil Revision No.3186 of 2019 (O & M)
Date of Decision: May 15, 2019

M/s Satlej Tools Ltd.

..... PETITIONER

VERSUS

SDM – cum- Collector, Hoshiarpur & another

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE KULDIP SINGH**

. . .

PRESENT: - Mr. Onkar Singh, Advocate, for the petitioner.

. . .

Kuldip Singh, J (Oral)

This petition has been filed under Article 227 of the Constitution of India for directing the Sub Divisional Magistrate –cum- Collector, Hoshiarpur for proceeding with application No.41/PP of 2019 titled “Punjab Small Industries and Export Corporation Ltd. vs. M/s Satlej Tools Ltd.”.

Learned counsel for the petitioner contends that an application under Section 5 and 7 of the Punjab Premises and Land (Eviction and Rent Recoveries) Act, 1973 (for short, ‘Act’) is pending before the SDM –cum- Collector, Hoshiarpur. Learned counsel contends that controversy has already been decided by the Civil Court, which has already passed an order in this regard. Therefore, proceedings before the SDM are nothing but misuse of judicial process of the Court.

I am of the view that the Collector is otherwise competent to proceed under the provisions of Sections 5 and 7 of the Act. If the present petitioner has the plea that matter is already decided by the competent authority and Civil Court order is there, he is always competent to take such pleas before the SDM –cum- Collector, Hoshiarpur who is competent to decide the same. If an adverse order is passed against the petitioner, he can always avail the remedy of appeal.

Dismissed.

May 15, 2019
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(Kuldip Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No