

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

115

Civil Writ Petition No.13261 of 2019
Date of Decision: July 1st, 2019

Azaidar Husain

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.K. Goel, Advocate
with Mr. Shvetanshu Goel, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 27.11.2012 (Annexure P-3) passed by the Sub Divisional Officer (Civil), Indri, whereby the petition under Section 5 of the Haryana Public Premises (Eviction and Rent Recovery) Act, preferred by the Tehsildar (Sales), Karnal, for eviction of land measuring 15 kanals 0 marlas, Khasra No.7 Khatoni No.249 Murba No.7 Khasra No.7/15/1 1-0 16/2 6-0, 25/1 6-0 situated at Village Sayad Chapra, Tehsil Indri, District Karnal, has been allowed, appeal against which preferred by the petitioner stands dismissed by the Commissioner, Karnal Division, Karnal, on 07.12.2018 (Annexure P-5).

2. It is the contention of learned counsel for the petitioner that the authorities below have failed to take into consideration the *jamabandi* of the Village Sayad Chhapar for the year 1965-66, wherein it has been mentioned as Bila Lagan Bawajah nautor. He contends that the predecessor-in-interest of the petitioner were in cultivating possession of the land. He contends that although in the subsequent revenue record, the land is shown to be of the Rehabilitation Department but the petitioner is in possession of the land since the year 1944-1945 and is continuing as such. He contends that the

authorities below have not taken this aspect into consideration that the petitioner is in possession of the land since long. He, thus, contends that the impugned orders cannot sustain and the same deserve to be set aside.

3. I have considered the submissions made by learned counsel for the petitioner and with his assistance, have gone through the records of the case but do not find myself in agreement with the submissions as made by learned counsel for the petitioner.

4. It is not in dispute that as per the revenue record, since the year 1972, the ownership of the land is that of Government of Haryana, Rehabilitation Department, which entries continue till date. Nothing has been shown on the record nor is it mentioned except for a stray entry that the petitioner is the owner of the land. Respondent No.4 being an owner of the land has rightly proceeded to file a petition under Section 5 of the Haryana Public Premises (Eviction and Rent Recovery) Act. The authorities below have taken into consideration the revenue record and have rightly come to a conclusion that the petitioner is in illegal possession of the land in dispute, which is public premises.

5. In view of the above, finding no merit in the present petition, the same stands dismissed.

July 1st, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No