

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

CWP No. 13074 of 2013 (O&M)

Date of Decision: 13.05.2019.

Raj Kumar

... Petitioner

Versus

Commissioner, Hissar Division, Hissar and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Arun Jindal, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana.

Mr. Jagdish Manchanda, Advocate,
for respondent No.3.

JITENDRA CHAUHAN.J.(ORAL)

The instant writ petition has been directed against the order dated 03.04.2013 (Annexure P-6) passed by the Commissioner, Hissar Division as also order dated 17.08.2012 (Annexure P-4) passed by the S.D.O-cum-Collector, Sub Division, Jind vide which the petitioner has been ordered to be evicted from shop No.70 situated near Water Supply, Julana.

Learned counsel for the petitioner states that the order dated 17.08.2012 (Annexure P-4) exceeded beyond three years, therefore, being time barred was not maintainable. It is further asserted that the eviction order in the present form is not maintainable in the absence of resolution envisaged under Sections 5 & 7 of the Haryana Public

Premises and Land (Eviction and Rent Recovery) Act, 1972 (for short “the Act”) and the petitioner has been regularly paying rent to Sarpanch of Gram Panchayat before the village was notified as Municipal Committee. It is submitted that in pursuance to order dated 07.06.2013 passed by this Court, the petitioner has paid the amount upto the year 2012.

The premises in question was given on rent to the petitioner. The eviction order on the ground of non-payment of rent of Rs.70,400/- from 12/1996 to 03.02.2008 @ Rs.500/- per month in respect of shop No. 70 situated near Water Supply, Julana Tehsil Julana was passed.

The petitioner could not furnish any documentary proof in respect of his assertion with regard to payment of rent to the Gram Panchayat. Learned counsel for the petitioner has failed to refer to any provisions of the Act which disentitles the respondents to recover rent beyond three years. It is admitted position that the petitioner remained in occupation of the shop in question from December, 1996 to 03.02.2008 without payment of rent.

In this view of the matter, the question that the eviction petition was not supported by resolution is of no consequence. So far as the assertion of the petitioner that he has paid the amount upto 2014 in pursuance to order dated 07.06.2013 is of no consequence as the issue to be settled is whether the petitioner did not pay the rent for a long

numbers of years from January 1996 to March 2008 till the filing of the petition by the respondents. This fact is duly acknowledged by the learned counsel for the petitioner as reflected in the impugned orders. Therefore, even the payment in terms of interim order will not make any difference to the merits of the case. However, keeping in view the fact that the petitioner is a small shopkeeper, in case some consensus is reached between the petitioner and the Municipal Committee to pay the market rate, his application for retention of shop be entertained sympathetically.

Dismissed.

13.05.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

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