

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

207

**CWP No.24668-2016
Date of Decision: 11.07.2019**

Rasal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Nakul Sharma, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. D.A.G., Punjab
for respondents No.1 to 3.

Ms. Sandeep Wadhawan, Advocate
for respondent No.4.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved against the order dated 04.08.2015 passed by the Collector on an application filed under Sections 4, 5 and 7 of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short 'the Act') and also order dated 22.10.2016 passed by the Commissioner by which his appeal has been dismissed.

Short submission made by the counsel for the petitioner is that status quo was granted in the appeal till 10.11.2016 which was the date fixed for hearing of the appeal. However, the Gram Panchayat moved an application on 29.09.2016 for seeking vacation of order of status quo and pre-poning the matter. On the said application the hearing of the case was pre-poned to 27.10.2016 without notice to the petitioner and on that date his appeal was dismissed.

After notice, the respondents have put in appearance. Counsel appearing on behalf of the Gram Panchayat-respondent No.4 has not denied the aforesaid contention of the petitioner.

In view thereof, we are of the considered opinion that the impugned order passed by the Commissioner do not pass the test of reasonableness because the order has been passed against the petitioner without notice to him of the change of date and without his presence. Thus, the writ petition is allowed, order of the Commissioner is hereby set aside and the matter is remanded back to him to decide the same again by associating the petitioner and by passing a speaking order. The petitioner is directed to appear before the Commissioner on 21.07.2019. The Commissioner is further directed to decide the appeal as early as possible but preferably before 05.09.2019.

Till then parties shall maintain status quo.

It is further made clear that the appellate authority/Commissioner shall not be influenced with any observations made by this Court.

(RAKESH KUMAR JAIN)
JUDGE

(ARUN KUMAR TYAGI)
JUDGE

11.07.2019
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No