

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

101

Civil Writ Petition No.6606 of 2017

Date of Decision: May 29th, 2019

Ved Parkash Malik

...Petitioner

Versus

The Director, Department of Local Bodies Haryana, Panchkula and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Jitender Nara, Advocate
for the petitioner.

Mr. Manish Dadwal, Assistant Advocate General, Haryana.

Mr. Ravi Gakhar, Advocate
for Mr. Jagdish Manchanda, Advocate
for respondents No.2 and 3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The petitioner, as per the order dated 27.05.2019 passed by this Court, has deposited the remaining amount of rent and also the other charges amounting to ₹27,339/- vide demand draft drawn in favour of the Municipal Committee, Charkhi Dadri.

2. Learned counsel for Municipal Committee, Charkhi Dadri, has referred to the order dated 29.03.2017 passed by this Court while issuing notice of motion, wherein the counsel for the petitioner had stated that the petitioner is willing to compensate the Committee regarding litigation charges provided he should be given a chance to produce evidence in support of his defence before the authorities.

3. To understand the issue involved in the present case, reproduction of the order dated 29.03.2017 would be necessary, which reads as follows:-

*“The contention of the petitioner is that on account of
lapse of the counsel in proceeding initiated under the Punjab*

Public Premises Act for seeking eviction the petitioner from shop No.28 located in the Municipal Committee Complex, Loharu Road, Charkhi Dadri, he was proceeded ex parte. However, before the Commissioner, the petitioner is stated to have placed on record certain receipts to establish possession of the property and deposited non-refundable security also yet the petitioner is ordered to be evicted on the ground of non-payment of rent.

The counsel for the petitioner submits that the petitioner is willing to compensate the committee regarding litigation charges, provided he should be given a chance to produce evidence in support of his defence.

Notice of motion for 01.05.2017 to respondent Nos.2 to 4 only.

Dasti also permitted.

Till the next date of hearing, there shall be stay of dispossession.

To be shown in the urgent list.”

4. In the light of the fact that the petitioner has already deposited the arrears of rent, the present writ petition is allowed by setting aside the impugned order dated 10.02.2014 (Annexure P-2) passed by the Collector, Charkhi Dadri, and the order dated 16.12.2016 (Annexure P-7) passed by the Commissioner, Hisar Division, Hisar, subject to the petitioner depositing ₹20,000/- as litigation charges with the Municipal Committee, Charkhi Dadri, within a period of one week.

5. Petitioner shall be given an opportunity by the Collector, Charkhi Dadri, on appearance, to produce evidence in support of his defence. Three opportunities be given to the petitioner for the said purpose and thereafter the Collector shall proceed to decide the matter afresh in accordance with law.

6. Parties are directed to appear before the Collector, Charkhi Dadri, on 04.07.2019.

7. It is further clarified that the interest, if any, which has been paid by the petitioner, shall be subject to the final outcome of the proceedings before the Collector.

8. It is made clear that during the pendency of the proceedings before the Collector, petitioner shall continue paying the rent with the Municipal Committee by 7th of each month along with relevant service tax, failing which he be evicted from the premises in question forthwith.

May 29th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No