

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

RSA No.521 of 2016 (O&M)

Date of decision : 25.02.2019

Punjab State Power Corporation Limited and others ...Appellants

Versus

Gurmeet Singh and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S. Gurna, Advocate for
Mr. J.K. Gurna, Advocate for the appellants.

Mr. Vishal Munjal, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

Both the Courts have decreed the suit for permanent injunction restraining the defendants-appellants which is a State Power Corporation Limited from interfering the possession of the plaintiffs.

The case of the plaintiffs is that they are in possession of the property as tenants under the Punjab State Electricity Board now named as Punjab State Power Corporation Limited and they are sought to be dispossessed forcibly.

On the other hand, State Power Corporation Limited has taken a stand that in the revenue record, entry with regard to tenancy has been incorporated in connivance with the revenue officials. It has been pleaded that the land in question was acquired by the defendants when the work pertaining to Stage-II of UBDC hydel project was started.

Learned counsel for the appellants has submitted that the

proceedings under the relevant Punjab Public Premises Act have already been initiated against the plaintiffs-respondents and they shall take possession in accordance with law.

Learned counsel for the appellants submits that the possession of the plaintiffs is as a tenant. Be that as it may. The Courts below have not given any finding that the possession of the plaintiffs is as a tenant. The Courts have only passed a decree on the basis of a fact that the plaintiffs are admittedly in possession.

Since, the proceedings under the Punjab Public Premises Act have been initiated, this Court has no doubt that the competent court of jurisdiction would expeditiously decide the application under the Punjab Public Premises Act keeping in view the fact that the property of a public sector undertaking to be utilized for a public purpose is involved. The plaintiffs-respondents shall also be entitled to take all defences as are permissible in law. The competent authority under the Public Premises Act is requested to expeditiously decide the proceedings pending before it.

With the aforesaid observations, the present Regular Second Appeal is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

25.02.2019

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No