

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

CR-1877-2017 (O&M)
Date of decision : 24.02.2020

Raj Kumar

...Petitioner

Versus

Shivala Damodar Dass and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate for the petitioner.

Mr. Amarjit Markan, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The petitioner-tenant has filed the present revision petition against the order of eviction passed by the Rent Controller, affirmed in appeal by the Appellate Authority.

The present revision petition has been filed under Sub-Section 5 of Section 15 of the East Punjab Urban Rent Restriction Act, 1949 (hereinafter to be referred as “the 1949 Act”).

Both the Courts have ordered eviction on following two grounds:-

- i) The tenant has materially impaired the value and utility of the rented land as permanent structure has been constructed.
- ii) The temple, a juristic person, need the premises for their bona fide requirement.

At the outset, it must be noticed that similarly situated tenant has already been ordered to be evicted in the case of **Shivala Damodar Dass v. Shankar Dass, 2002 PLJ 549**. In the aforesaid case also, the tenant had constructed four rooms after taking the rented land on lease without any written permission of the landlord. In the present case also, the facts are similar. Still further, the ejectment has also been ordered on the ground of bona fide requirement as the premises is required for making arrangement for stay of devotees who visit the temple.

Learned counsel for the petitioner tried to make distinction by submitting that in the aforesaid case, rented land was given whereas in the present case, rented land was given on lease for placing *khokha* (wooden kiosk).

In the considered view of this Court, such distinction as sought to be made is not made out particularly when it is undisputed that the rented land had been given on lease. Rented land is altogether different category from the building. "Rented land" has been defined in Section 2(f) of the 1949 Act. Hence, the distinction which is sought to be made is not made out.

In view thereof, there is no ground to interfere.

Accordingly, the present revision petition is dismissed.

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

24.02.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No