

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 6336 of 2020

Date of Decision: March 06, 2020

Mangat Ram (deceased) through his LRs

.....Petitioners

versus

Financial Commissioner Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Vineet Chaudhary, Advocate
for the petitioners

Sudhir Mittal, J. (Oral)

Respondent No. 5 sought eviction of the petitioner on the ground of non-payment of rent. The application was allowed by the Assistant Collector 1st Grade. Appeal and Revision filed by the petitioners have been rejected.

Learned counsel for the petitioners has argued that the learned Assistant Collector 1st Grade did not assess the rent due. In appeal filed by the petitioners, learned Collector carried out an assessment and thereafter the petitioners deposited the amount. Yet, the appeal was dismissed and order of ejectment was upheld. The revisional authorities have failed to correct this error of the Collector and, thus, the writ petition deserves to be allowed.

With the assistance of learned counsel for the petitioners, I have gone through the order dated 17.06.2010 passed by the Collector. A perusal thereof shows that in the eviction application, the landlord had demanded an amount of Rs. 20,543 as the rent due at the rate of ½ batai for the period for which the application had been filed. Learned Assistant Collector 1st Grade granted time to

the petitioners vide order dated 12.06.2006 to deposit the rent by 15.06.2006. However, they did not comply with the order but deposited an amount of Rs. 14,000/- by calculating the arrears at a fixed rate of Rs. 2500/- per crop. Thus, learned Collector has held that a short tender was made and the appeal has been dismissed.

No error has been pointed out in the aforementioned observations of the Collector and, thus, I do not find any ground to interfere with the order of the revisional authority.

The writ petition is without any merit and the same is, accordingly, dismissed.

March 06, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No