

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.123

CWP-1066-2020 (O&M)
Date of decision : 16.1.2020

Hoshiar Singh

..... Petitioner

VERSUS

Commissioner, Rohtak Division, Rohtak and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. G.S. Dhaliwal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The challenge in the writ petition is to order dated 26.7.2019 (Annexure P-4), whereby Commissioner, Rohtak has dismissed the appeal of the petitioner.

An order dated 24.7.2018 (Annexure P-2) was passed for eviction of the petitioner under the Haryana Public Premises and Land (Eviction and Rent Recovery), Act 1972 (for short 'the Act'). The said order has been upheld by learned Commissioner.

Learned counsel for the petitioner submits that the civil Court had passed an order that the petitioner be only dispossessed, in accordance with law. In the appeal filed before the learned Commissioner an order of stay had been granted and during the pendency of the stay order, the petitioner was physically dispossessed.

Admittedly, the civil Court has found the petitioner in unauthorized occupation of the public property. Thus, proceedings were

initiated under the Act for his eviction. The said proceedings have culminated in the eviction of the petitioner and thus, there is no error in the impugned orders. If an order of stay has been violated, it would not entitle the petitioner to challenge the same on merits.

The writ petition is misconceived and is accordingly, dismissed.

(SUDHIR MITTAL)
JUDGE

16.1.2020
Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No