

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

**CWP-5110-2021(O&M)
Date of Decision:04.03.2021**

State Bank of India

..... Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Sumit Narang, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Mr.Abhishek Sanghi, Advocate for respondent No.2-
Municipal Corporation.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner herein is the State Bank of India.

Pleadings on record would indicate that an order dated 15.12.2020 came to be passed by the SDM-cum-Collector, Abohar pursuant to an application moved by Municipal Corporation, Abohar directing eviction of the bank from the premises situated at Street No.4, Abohar under the provisions of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as the '1973 Act'). Against the order of eviction the petitioner-bank preferred an appeal in January, 2021 under Section 9 of the 1973 Act accompanied with an application seeking stay.

Instant writ petition has been preferred by the petitioner-bank raising a grievance that the Appellate Authority i.e. Deputy Commissioner, Fazilka has not taken up the appeal as also the application for stay and on the other hand Municipal Corporation, Abohar has proceeded further and has sealed the premises. It has been pleaded on behalf of the bank that by virtue of such peculiar circumstances the statutory remedy availed of by the bank under Section 9 of the 1973 Act has been reduced to a mere eyewash/frivolity.

Instant petition came up for preliminary hearing before this Court on 03.03.2021 and hearing had been deferred to today. Meanwhile learned State counsel had been requested to complete instructions and particularly with regard to the remedy of the statutory appeal preferred by the bank under Section 9 of the 1973 Act.

Mr. Abhay Pal Singh Gill, learned AAG, Punjab apprises the Court that even though the appeal is fixed before the Appellate Authority today itself but the matter would not be taken up as the officer is not holding Court. He, however, on instructions from Mr. Jagjeet Singh, Reader to Mr. Arvind Pal Singh Sandhu, Deputy Commissioner, Fazilka (Appellate Authority), states that the appeal would be taken up for hearing expeditiously and in any event the application preferred by the bank seeking stay of the eviction order would be decided within a period of one week.

Statement is accepted.

Mr. Abhishek Sanghi, Advocate has also joined proceedings and represents respondent-Municipal Corporation, Abohar. He concedes that possession of part of the premises has been taken over.

Counsel representing the petitioner-bank joins issue and submits that the officials of the Municipal Corporation, Abohar have fixed the seal on the premises and thereby access has been denied to the premises not only to the bank officials but even to the customers/public at large.

Since a statutory appeal under Section 9 of the 1973 Act accompanied with an application for stay has been filed by the bank against the order of eviction within the period of limitation, the same ought to be decided on merits by the Appellate Authority. There would be no occasion for this Court to examine the validity and legality thereof at this stage. It is unfortunate that the bank was constrained to approach this Court to seek directions to the Appellate Authority to take up the matter. After all not only is it a question of the bank occupying the premises and now facing an eviction order but also involves the interest of the public as also customers of the bank.

Writ petition is disposed of in terms of accepting the statement made by learned State counsel as regards the statutory appeal under Section 9 of 1973 Act to be decided expeditiously and for the stay application in any event to be decided within a period of one week from today.

Keeping in view the interest of the customers/public who would be availing the banking services in the premises in question, Municipal Corporation, Abohar is directed to de-seal the premises forthwith. Needless to observe that further course of action would be determined on the order that may be passed by the Appellate Authority in the stay application preferred by the petitioner-bank along with a statutory appeal under Section 9 of the 1973 Act.

Disposed of.

It is clarified that the Appellate Authority would decide the matter on merits and would not be influenced on account of the interim directions that had been granted by this Court by virtue of the instant order.

(TEJINDER SINGH DHINDSA)
JUDGE

04.03. 2021
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No