

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

CWP-14043-2021 (O&M)

Date of decision: 29.07.2021

Amanbir Singh Jaspal

...Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Surmukh Singh, Advocate for the petitioner
Ms. Sunint Kaur, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner claims to be owner of building bearing No.B-XII-107, opposite bus stand, Kapurthala. Through this writ petition, the petitioner prays for direction to respondent no.2 to demolish the alleged dilapidated and unsafe standing part of the aforesaid building. It has been pleaded that the Municipal Corporation, Kapurthala, has already directed the petitioner to demolish the building vide notice dated 28.07.2020. The petitioner further claims that 75% of the building has been demolished by him. However, remaining 25% of the building is in possession of persons referred to in para 5 of the writ petition, which is reproduced as under:-

“5. That some portion of above said unsafe building is under the possession of 6 persons. Names of the 6 persons are reproduced as under:-

1. Sh. Gurdev Singh
2. Sh. Joginder Kumar Malhotra
3. Sh. Sant Kumar Sood
4. Sh. Surinder Kumar Malhotra
5. Pawan kumar Malhotra
6. Sh. Sham Lal”

In para 6, it has been pleaded that Gurdev Singh has already vacated the premises.

During hearing learned counsel representing the petitioner, on being asked, has disclosed that five persons from serial no.2 to 6 are tenants in the building.

Keeping in view the aforesaid facts, it is apparent that the petitioner has tried to misuse the process of court. The aforesaid tenants have not been impleaded as respondents. The tenants in occupation of the premises have certain rights. They stand protected in accordance with the provisions of the East Punjab Urban Rent Restriction Act, 1949, which has now been substituted by the Punjab Rent Act, 1995. Thus, instead of seeking their eviction from the court of Rent Controller, the petitioner has devised a tactful route of filing a writ petition.

Hence, the writ petition being wholly mis-conceived is dismissed with costs of Rs.50,000/- which shall be deposited by the petitioner within a period of 3 months with the 'Poor Patients Welfare Fund' of the Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh, personally or through its website "www.pgimer.edu.in" and produce the receipt duly verified by its counsel before the Registrar General of this Court.

All the pending miscellaneous applications, if any, are also disposed of.

29.07.2021

rekha

Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(ANIL KSHETARPAL)
JUDGE