

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

CWP-15227-2021

Date of Decision: 16.08.2021

Kabir Dharamshala and others

....Petitioners

VS

Irrigation Department of Haryana Government

....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Rajesh Tushar, Advocate
for the petitioners

SUDHIR MITTAL, J. (Oral)

The petitioner-Kabir Dharamshala is aggrieved because it has been ordered to be evicted in proceedings initiated under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972.

The Irrigation Department, Cheeka sought eviction of the petitioner under the aforementioned Act. The eviction petition was dismissed by the Collector, Guhla on the ground that 45-50 other persons who were also in occupation of identical land were permitted to purchase the same by paying the price thereof. Thus, there should be no discrimination and the petitioner should also be permitted to purchase the suit land. However, in appeal, the Appellate Authority has found that the land is public property and the possession of the petitioner thereupon is unauthorized. Consequently, it is liable to be evicted.

Learned counsel for the petitioner has submitted that the petitioner is being discriminated against. Other persons have been permitted to purchase the land whereas despite representation made in the year 2010, the same is still pending. The petitioner receives Government funds and grants from the local MLA

also. It is, thus, entitled to retain possession.

The issue in this writ petition is not regarding the petitioner being treated differently from other identically situated 40-50 persons who have been permitted to purchase the land in their occupation. The question here is whether the land is public property and whether the petitioner is in unauthorized possession thereof.

No meaningful argument has been raised regarding the relevant issue. The Appellate Authority has returned a clear finding that the land in dispute is a public property and the possession of the petitioners is unauthorized.

In view of the above, no interference is called for and the writ petition is dismissed.

The petitioner shall, however, be at liberty to pursue its case for purchase of the land.

(SUDHIR MITTAL)
JUDGE

16.08.2021
Poonam Negi

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