

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

Sr. No. 119

CWP No.14036 of 2021

DATE OF DECISION: July 29, 2021

DHARAM VEER

..PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Tarun Sharma, Advocate, for the petitioner.

Mr. Arun Gosain, Advocate, for the UOI.

SUDHIR MITTAL, J. (ORAL)

The petitioner is the lessee of the holder of occupancy rights. Unauthorized construction of two rooms, kitchen, latrine and bathroom was raised leading to the initiation of proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. Vide impugned order dated 24.06.2020 (Annexure P-5) a direction has been issued to demolish the said unauthorized construction.

Learned counsel for the petitioner has argued that impugned order was passed during the period of lockdown. Thus, the petitioner could not be represented through counsel. Letter dated 18.06.1982 (Annexure P-4) issued by the Government of India could not be brought to the notice of the Collector and the said letter permits regularization of marginal violations which do not result in change in purpose. Thus, the impugned order may be set aside and the matter may be remanded for a fresh decision.

The submission is not acceptable. Learned counsel for the petitioner has candidly admitted that there is nothing on record to show that an adjournment was sought when the petitioner was notified about the date of hearing. Letter dated 18.06.1982 has not been pleaded in the reply submitted. Thus, the petitioner is not entitled to claim any benefit thereof. To say at this stage that the petitioner could not be represented through counsel on the date of hearing on account of lockdown, appears to be an afterthought. The petitioner has not been vigilant of his rights and does not deserve any relief in exercise of extra-ordinary jurisdiction by this Court.

For the aforementioned reasons, the writ petition has no merit and is dismissed.

July 29, 2021
Ankur

(SUDHIR MITTAL)
JUDGE

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