

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

Sr. No.126

**CWP-26678-2021 (O&M)
Date of decision : 23.12.2021**

Mohinder Kumar Singla

..... Petitioner

VERSUS

The Municipal Council, Dhuri and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Amit Jaiswal, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

It has been submitted that the finding of the Collector that the petitioner did not appear, despite service, is factually erroneous. In fact, he was never served and came to know about the order of eviction dated 05.11.2021 only when the officials of the Municipal Council came to get the property vacated. Thereafter, certified copy of the record of the case has been applied for, but the same has not been made available till date as the office of the Collector is being shifted. For this reason, statutory appeal also could not be preferred.

Notice of motion to respondents No.2 and 3 only.

Ms. Harsimrat Rai, DAG, Punjab, accepts notice and waives service.

Considering the nature of the order being passed, issuance of notice to respondent No.1 is dispensed with.

Filing of written statement on behalf of respondents No.2 and 3 is also dispensed with.

The writ petition is disposed of with a direction to the petitioner to file a statutory appeal within fifteen days from today on the basis of record available with him. He may also challenge the proceedings on the ground that the Punjab Management & Transfer of Municipal Properties Act, 2020 is applicable and not the Punjab Public Premises & Land (Eviction & Rent Recovery) Act, 1973. Grounds of non-service may also be taken apart from any other grounds that may be thought fit.

Meanwhile, respondent No.2 shall ensure that certified copies of the complete record of the case are made available to the petitioner.

The appeal alongwith the stay application shall positively be considered within three weeks from today and till the disposal of the stay application, the petitioner shall not be evicted.

(SUDHIR MITTAL)
JUDGE

23.12.2021

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No