

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

Sr. No.114

**CWP-1456-2022 (O&M)
Date of decision : 19.04.2022**

Truck Operators Union, Cheeka through its President, Pritam Singh
..... Petitioner

VERSUS

State of Haryana and others
..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.P. Arora, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

Allegedly, the petitioner has been in possession of a parcel of land since 1974. The said land is situated within the municipal limit of Municipal Committee, Cheeka. Possession is without any permission from the municipal council, lease or allotment. Vide order dated 29.12.2008, the Tehsildar, Guhla exercising jurisdiction of Collector under the Haryana Public Premises Act, 1971 passed an order of eviction. Aggrieved, the petitioner filed an appeal which was accepted. Vide order dated 30.06.2010, the matter was remanded for a fresh consideration. Upon a fresh consideration of the matter, the Collector again ordered eviction vide order dated 12.10.2015. This order was challenged vide an appeal filed in the year 2021. The same has been dismissed vide order dated 23.12.2021 on the ground of limitation.

Learned counsel for the petitioner has submitted that an application (Annexure P-7) was filed for condonation of delay. The same should have been allowed in view of the facts and circumstances of this case and appeal should have been decided on merits. It is the policy of law that

the appellate order deserves to be set aside and the matter be remanded for consideration on merits after condonation of delay.

A perusal of impugned order shows that the argument of learned counsel for the petitioner before the appellate Court was that the counsel had suddenly died of a heart-attack and thus, the delay deserved to be condoned. This argument has been rejected. Death of a counsel representing the party before the Collector is no valid ground for seeking condonation of delay. The petitioner was aware of the order and could very well have challenged the same within reasonable time, had it exercised due diligence. The same having not been done, no relief can be granted to it. Order dated 23.12.2021 passed by the appellate Court does not suffer from any infirmity and is, accordingly, upheld.

The writ petition has no merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

19.04.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No