

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

CR-4781-2017 (O&M)

Date of decision: 04.07.2022

Harish Ahuja

....Petitioner

Versus

Inder Mohan Chopra

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.J.S.Cooner, Advocate for the petitioner
 Mr. Sachin Mittal, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The petitioner is a tenant who has been ordered to be evicted by the appellate authority. The landlord alongwith his brother were owners of the land alongwith certain constructed portions. The State of Haryana in order to develop Sector 12, under the aegis of the Haryana Urban Development Authority (hereinafter referred to as 'the HUDA') started the acquisition proceedings. The plot measuring 1145 square yards including the plot underneath the shop in question, was released from acquisition, subject to the condition that the respondent shall reconstruct the building in accordance with the zoning plan as prepared by the HUDA. This eviction petition was filed claiming that the property is required bonafidely by the landlord in order to reconstruct the building in accordance with the aforesaid zoning plan. In order to prove that fact Rajinder Kumar, Clerk in the office of the HUDA was examined. Despite the lengthy cross examination, his credibility could not be impeached by the learned counsel representing the tenant. The landlord appeared as PW 2 in the witness box where as his brother

Aneshwar Chopra appeared as PW3.

Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook. Learned counsel representing the petitioner contends that the appellate authority erred in allowing the application for permission to lead additional evidence. The agreement between the landlord and his brother on the one side and the State of Haryana on the other side was permitted to be taken on record and an order of ejectment was passed. Even in the absence of the aforesaid evidence, the stand of the landlord was proved by their deposition as well as the deposition of Rajender Singh, the shop in question is required to be demolished in order to reconstruct the same in accordance with the zoning plan. It was one of the conditions for release of the land. The petitioner has already delayed the reconstruction for the last 14 years. Hence, no ground to interfere is made out.

Dismissed.

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

04.07.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE