

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

125 (PROCEEDINGS THROUGH V.C.)

CM No.2226-CWP of 2022 in/and
Review Application No.25 of 2022 in
Civil Writ Petition No.18564 of 2021

Date of Decision: March 24th, 2022

Rakesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Surender Saini, Advocate
for applicant-Dharamraj.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.2226-CWP of 2022

Prayer in this application is for placing on record documents (Annexures A-1 to A-11) and for exemption from filing the certified/typed copies of the same.

Application is allowed subject to just exceptions.

Documents (Annexures A-1 to A-11) are taken on record.

Exemption, as prayed for, is granted.

RA No.25 of 2022

Learned counsel for the applicant submits that the applicant is aggrieved by the observations which have been made by this Court while passing the order dated 24.11.2021, wherein relying upon the report of the Additional Director, Urban Local Bodies Department, Haryana, the Court had proceeded to mention that it is apparent that there is encroachment upon the public street and, therefore, a direction was issued to the authorities to proceed with the eviction petition which has been preferred under Sections 4, 5 and 6 of the Public Premises Act and decide the same within a period of

four months from the date of the said order and similarly the civil suit which has been preferred by the applicant to be finalized within a period of four months from the said date. Counsel contends that in the light of the said observations, the Courts below are being influenced and are proceeding to decide the matter as if a finding has been recorded by this Court in the said order. He, therefore, prays that the order dated 24.11.2021 deserves to be modified.

On considering the submissions made by the counsel for the applicant, we do not find any ground for either modifying or recall of our order dated 24.11.2021 except to observe that there is no finding recorded by this Court on the merits of the matter and the observations, if any, were based upon the report of the Additional Director, Urban Local Bodies Department, Haryana, who had filed an affidavit dated 19.11.2021. The intent and purpose for passing such an order was that the issue needs to be finalized at the earliest and, therefore, the period of four months was fixed by this Court. The observations made therein were only intended for the purpose of projecting the urgency in the matter and based upon the affidavit, which has been filed and referred to above.

It would be, therefore, open to the authorities/Court to proceed in the matter in accordance with law.

With above observations, the application stands disposed of.

(AUGUSTINE GEORGE MASIH)
JUDGE

March 24th, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No