

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

126

**CM-5309-CWP-2022 in/and
CWP No. 7045 of 2022 (O&M)
Date of Decision:- 07 .04.2022**

MURTI RADHA KRISHANJI AND MURTI THAKURJI, AND ANOTHERPetitioners

vs.

STATE OF HARYANA AND OTHERS

....Respondents

BEFORE :- HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Vikram Singh, Advocate,
for the applicant-petitioner.

CM-5309-CWP-2022

This application has been filed for advancing the date of hearing in the main case from 30.05.2022 to an earlier date as warrants of possession have been issued.

The application is accordingly allowed. The date of hearing is advanced to today and main case is taken up on board.

CWP No. 7045 of 2022

The petitioner has been ordered to be evicted from the premises in dispute in proceedings initiated under the Haryana Public Premises (Eviction and Rent Recovery) Act, 1972 (hereinafter referred to as 'the Act').

On the previous date, the matter was adjourned to 30.5.2022 to enable learned counsel for the petitioner to cite law that notice under Section 4 of the Act is different from the notice of the eviction petition. The matter has been taken up today as an application for advancing the date of hearing was filed on the ground that warrants of possession have been issued. The said application has been allowed.

Learned counsel for the petitioners has relied upon Karnail Singh vs. Sub-Divisional Officer (Civil)-cum-Collector, Sirsa, 2001(3) RCR (Civil) 289, as well as Sunta Devi vs. The Commissioner, Rohtak Division, Rohtak, 2008(1) RCR (Civil) 720 in support of his arguments.

The judgments aforementioned do not support the case argued by the learned counsel. They only say that notice under Section 4 has to be issued once an eviction petition has been filed under the Act. Admittedly, notice of the eviction petition was issued to the petitioners. Thus, the distinction being sought to be raised between notice under Section 4 of the Act and notice of the eviction petition is misplaced. The judgments aforementioned do not draw any such distinction.

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

April 07, 2022
poonam

(SUDHIR MITTAL)
JUDGE

Whether Speaking/Reasoned

Yes

Whether Reportable

No