

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

Sr. No.126

**CWP-7680-2022 (O&M)  
Date of decision : 18.04.2022**

Smt. Nirmal Khanna

..... Petitioner

VERSUS

Union of India and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL**

Present: Mr. D.S. Saini, Advocate, for the petitioner.

Mr. Pankaj Gupta, Advocate, for respondents No.1, 2 & 4.

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**SUDHIR MITTAL, J. (Oral)**

An order of eviction has been passed against the petitioner in exercise of jurisdiction under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971.

It is the case of the petitioner that opportunity of hearing has not been granted.

Admittedly, the impugned order is appealable and thus, I refrain from exercising my jurisdiction under Article 226 of the Constitution of India.

Accordingly, learned counsel for the petitioner submits that he may be permitted to withdraw this writ petition with liberty to file an appropriate appeal. Meanwhile, his possession may be protected.

The request is reasonable and is accepted.

The writ petition is dismissed as withdrawn with liberty to challenge the impugned order by way of an appeal. In case, the same is filed within ten days from today, dispossession of the petitioner from the land in dispute shall remain stayed till the decision of the stay application to be filed alongwith the appeal.

(SUDHIR MITTAL)  
JUDGE

18.04.2022

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No