

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

CWP-7863-2022

Date of Decision: 20.04.2022

Sajjan Singh

....Petitioner

VS

Union of India and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.K. Rajput, Advocate  
for the petitioner

Mr. Ashish Rawal, Advocate  
for respondent No. 1 – UOI

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

The petitioner alleges that his father was allotted the land in dispute by the respondents. After his death the petitioner has continued in possession. Vide notice dated 13.05.2021 (Annexure P-2) he was directed to vacate the land in dispute within seven days as he was in unauthorized possession thereof. On receipt of the said notice, a suit for permanent injunction was filed which is allegedly pending. Meanwhile, notice dated 30.03.2022 (Annexure P-4) has been issued by the Estate Officer under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. This notice is under challenge in the writ petition.

Learned counsel for the petitioner has submitted that no reasons have been given in the notice impugned and, thus, the same deserves to be quashed. That apart, the said notice is without jurisdiction as a civil suit is already pending.

A perusal of Section 4 of the aforementioned Act shows that upon

receipt of information of any person being in unauthorized occupation of a public

premises, the Estate Officer has the jurisdiction to issue notice. The provision does not require any reasons to be given in support of the allegation that the person is in unauthorized occupation. Moreover, if reasons were to be given it would amount to prejudging the issue and would be illegal. Thus, this argument is misconceived and deserves to be rejected. The second argument regarding pendency of a civil suit is equally misconceived. Merely because a suit for injunction has been filed it would not deprive the authorities concerned of the jurisdiction granted under the Act.

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

20.04.2022  
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( SUDHIR MITTAL )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable :      | Yes/No |