

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-413-2022 (O&M)
DECIDED ON: 20.05.2022

GURCHARAN SINGH

.....APPELLANT

VERSUS

JOINT DEVELOPMENT COMMISSIONER,
PUNJAB AND ORS

.....RESPONDENTS

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

Present: Mr. Rakesh Sobti, Advocate and
Mr. Jaskirat Singh, Advocate
for the appellant.

Ms. Deepali Puri, Addl. A.G. Punjab.

Mr. Munish Jolly, Advocate
for respondent No.4.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for the appellant has referred to the order dated
08.04.2022 passed by learned Single Judge, wherein it was observed as
follows:-

“The petitioners have been ordered to be evicted in proceedings under the Punjab Public Premises Land (Eviction and Rent Recovery) Act, 1973. Their appeal is pending but stay has been declined. Writ petition filed against the order declining the stay has not succeeded.

Meanwhile, warrants of possession have been issued and, thus, the present writ petition has been filed.

Mr. Munish Jolly, Advocate, is on caveat filed on behalf of Panchayat Samiti, Kharar-respondent No.4. He submits that he has no objection in case stay of dispossession is granted provided the petitioners deposit the principal amount of arrears of lease money as follows:

For petitioner No.1-Gurcharan Singh, the amount is '14,05,917/

For petitioner No.2-Gaurav Kumar, the amount is '12,14,532/-;and

For petitioner No.3-Vikas Gupta, the amount is '13,52,352/-.

*Let the petitioners deposit a sum of 10,0000/- each before I pass any other order.
Adjourned to 20.04.2022.*

Since, the appellant failed to deposit the said amount, learned Single Judge had proceeded to dismiss the writ petition vide order dated 20.04.2022, which has been assailed by the appellant in the present appeal.

Learned counsel for the appellant states that he has brought demand draft of Rs.10 lacs dated 22.04.2022, which he is tendering in pursuance to the order passed by the learned Single Judge dated 08.04.2022. He further states that an additional amount of Rs.2 lakh has been given to Panchayat Samiti, Kharar, Tehsil Kharar, District SAS Nagar-respondent No.4. He, therefore, contends that in the light of the above position, dispossession of the appellant may be stayed during the pendency of the appeal, which is pending before the Joint Development Commissioner, Punjab-respondent No.1.

Learned counsel for the Panchayat Samiti, Kharar-respondent No.4 states that the acceptance of this Bank draft of Rs.10 lacs should not be taken as a concession on the part of the said respondent in any manner with regard to the rights of the parties, especially in the light of the fact that the Panchayat Samiti, Kharar is not acknowledging the appellant to be their lessee rather he is sub-lessee of the original lessee-Mohan Singh.

In the light of the above, the present appeal is disposed of granting stay of dispossession of the appellant during the pendency of the appeal subject to he depositing the regular lease amount as has earlier been determined by the competent authority, each month in advance.

It is also clarified that acceptance of the amount of Rs.10 lacs by the counsel for respondent No.4 shall not in any manner be treated as a concession of any sort on behalf of the said respondent with regard to their respective stands before the authorities.

As the main case stands disposed of, all the pending miscellaneous application(s), if any, stand(s) disposed of as infructuous.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

20.05.2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>