

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

CWP-13936-2022 (O&M)
Date of decision : 04.07.2022

Som Nath and othersPetitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vikas Arora, Advocate, and
Mr. Ritesh Khatri, Advocate,
for the petitioners.

Mr. Deepak Balyan, Additional A.G., Haryana.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This petition has been filed by the petitioners contending that being the perpetual lease holders, they are in occupation of the shops leased out to them by the respondent authorities.

Learned counsel for the petitioners submits that in terms of the perpetual lease agreement, the petitioners are paying lease rent and are continuing to occupy the shops in question. He further submits that the respondent authorities have now issued a policy for the desirous persons to convert their lease hold properties into free hold properties. He, however, submits that in terms of the said policy, no option has been given to the petitioners to continue as perpetual lessees under the old lease agreement, and they are being forced to either opt for converting their properties into free hold or to pay exorbitant lease rent, which is several times more than the market value of the property in question. It is also submitted that as the petitioners are economically backward

persons, they are financially incapable to get their lease hold properties converted into free hold. The petitioners have even moved the respondent authorities by way of representations (Annexures P-9 and P-10), under clause 12 of the policy, which deals with relaxations, as also under clause 13, which envisages interpretation, clarification and removal of doubts, but the same have failed to evoke any response. It is submitted that by this method, the perpetual lease agreement between the petitioners and the respondent authorities would be rendered negated.

To this, learned Additional Advocate General, appearing for the State of Haryana, submits that the representations (*ibid*), shall be considered and decided by the authorities, in accordance with law, and the decision shall be communicated to them.

In view of the abovesaid statement made by learned State counsel, the petition is disposed of. However, it is made clear that till the decision is taken by the authorities on the representation of the petitioners (*ibid*), no coercive steps shall be taken against the petitioners and they shall continue to occupy the shops in question, subject to their payment of lease rent, as per the original lease agreement.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 04, 2022
Ak Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No