

Sukhdev Singh and others ... Petitioners

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioners.

SUDHIR MITTAL, J. (Oral)

The petitioners being in unauthorized occupation of Government land were sought to be evicted in proceedings initiated under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short “1973 Act”).

The Collector dismissed the petition and appeal filed by the State of Punjab also failed. The writ petition filed by the State of Punjab however succeeded. It was held that the petitioners having not paid the lease amount due were liable to be evicted. They were also directed to pay the arrears of rent to be determined by the Collector under the 1973 Act.

Letters Patent Appeal and Special Leave Petition filed by the petitioners have been dismissed. The Collector has determined the arrears to be paid.

Meanwhile, the petitioners have applied for purchase of the land under the Punjab Allotment of State Government Land Act, 2016 (for short “2016 Act”). The application has been rejected on account of orders of eviction having been passed by the High Court. The appeal has also been dismissed.

Learned counsel for the petitioners submits that the application under the 2016 Act should have been considered on merits irrespective of the order of the High Court. However, he would deposit the arrears as determined by the Collector.

Notice of motion to respondents No.1 to 6 only.

Mr. Arun K.Kaundal, DAG, Punjab accepts notice on behalf of respondents No.1 to 6 and waives service.

Considering the nature of the order being passed, no reply is necessary.

This writ petition is disposed of with a direction to respondent No.3 to adjudicate the application of the petitioners under the 2016 Act on merits provided arrears due as determined by the Collector are deposited by the petitioners within four weeks from today.

(SUDHIR MITTAL)
JUDGE

04.08.2022
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No