

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

Sr. No.113

**Civil Writ Petition No.31 of 2022
Date of Decision : September 05, 2022**

Surjit Singh and others

...Petitioners

Versus

District Collector, Ferozepur, District Ferozepur & ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Naresh Kumar Manchanda, Advocate,
for the petitioners.

SUDHIR MITTAL, J. (ORAL)

An application for eviction under the Punjab Public Premises and Land (Eviction and Rent Recovery), Act, 1973 was filed against three persons namely Surjit Singh s/o Resham Singh, Swaranjit Singh & Ranjit Singh sons of Gurmukh Singh. Eviction was ordered and appeal filed by the petitioners has been dismissed and thus, the present writ petition has been filed.

Learned counsel for the petitioners has submitted that out of the aforementioned persons, Swaranjit Singh & Ranjit Singh sons of Gurmukh Singh were already dead on the date of filing of the application. Eviction petition against dead persons was not maintainable. The Appellate Authority has failed to take this aspect into consideration even though the same was argued before it.

On a question put by the Court, learned counsel for the petitioners submits that in the revenue record, the persons aforementioned

were jointly shown in possession as Gair Marusi. In this view of the matter, even if two of them were dead on the date of filing of the application, the validity of the impugned order would not be affected. Admittedly, one of the co-sharers was alive and eviction petition against a single co-sharer would be maintainable as he would represent the interests of all the co-sharers including the LRs of the deceased person.

In view of the above, the argument raised cannot be accepted.

The writ petition is dismissed.

September 05, 2022

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No