

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-3662-2017 (O&M)
Date of decision: 04.05.2023

BRAHMANAND ASHRAM SAFIDON

... Petitioner

Vs.

VARINDER SINGH AND OTHERS

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 06.11.2017
passed in CWP-24260-2017, operative part of which reads as under: -

“It is submitted that during the pendency of the suit, said Adarsh College transferred the property to the Government College, Safidon. Thereafter, the Government College has filed a petition under Sections 5 & 7 of the Haryana Public Premises and land (Eviction and Rent Recovery) Act, 1972 (for short “the Act”) on the ground that the petitioner is in unauthorized possession. It is further submitted that since the Government College has got the ownership from the Adarsh College who had already lost

ownership rights because the consent decree has been set aside vide judgment and decree dated 15.11.1980, therefore, it could not have maintained the application filed under the Act. Even otherwise, it is submitted that the petitioner is not in unauthorized possession rather was in authorized possession being the Dohlidar.

Notice of motion for 29.1.2018.

Till then, the dispossession of the petitioner shall remain stayed.”

As per affidavit of the SDO (C), Safidon, in execution proceedings, possession was taken from the petitioner as the order was not communicated, however, the same was restored back to the petitioner.

In view of the above, learned counsel for the petitioner submits that at this stage, present petition may be disposed of having been rendered as infructuous subject to final outcome of the aforesaid writ petition.

Ordered accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

04.05.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No