

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

369

CWP-12500-1999

Date of decision: 17.03.2023

MUNICIPAL COMMITTEE, LADWA

.....Petitioner

VERSUS

COMMISSIONER AMBALA DIVISION, AMBALA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Piyush Bansal, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

Mr. Nikhil Lather, Advocate for
Mr. Anurag Goyal, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed for raising a challenge to the order dated 01.06.1999 passed by respondent No.1 vide which the order dated 31.03.1998 passed by respondent No.2-the Collector, Thanesar, has been set aside and the Municipal Committee, Ladwa has been restrained from enhancing the rate of rent of the premises.

It has been averred in the writ petition that the petitioner-Municipal Committee is owner of shop No. 4, Indri Chowk, Ladwa which was in possession of respondent No.3 as a tenant since 1987. The shop in question was initially rented out to one Raj Kumar where after respondent No.3 was inducted as tenant in the year 1987 at a nominal rate of rent. He was, however, a defaulter of the rate of rent whereupon proceedings for ejectment under the Public Premises Act, 1972 was

initiated. The Collector recorded a finding against respondent No.3 and passed an ejectment order against the respondent-tenant. A penalty for being an unauthorized use and occupation of the shop was also imposed vide order dated 31.03.1998. A appeal against the said order was preferred before the Divisional Commissioner. The said appeal was allowed and the well reasoned and speaking order of the Collector was set aside.

Learned counsel appearing on behalf of the petitioner has handed over today in Court, a copy of the additional affidavit of Ravi Parkash, Secretary Municipal Committee, Ladwa, as per which one Gopi Chand had approached the Municipal Committee, Ladwa claiming that he was ready to deposit the arrears of rent and all other charges for transfer of shop in question and that after obtaining ‘No Objection Certificate’ from respondent No.3 and upon completing all procedure of formality including deposit of arrears with respect to the shop, the same was transferred in the name of Gopi Chand on 25.06.2002. The said shop thereafter was transferred in the name of Ajay Kumar son of Madan Mohan on 30.07.2010 and that there is no rent due against the said shop as on February, 2023.

He thus contends that the present petition has accordingly been rendered infructuous.

Disposed of as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 17, 2023
Vishal sharma

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