

**CWP-6812-2020**  
Date of Decision: 30.10.2023

Bhoj Raj (deceased) through LRs

..... Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Ms. Mona Goyal, Advocate, for the petitioner.  
Ms. Akshita Chauhan, Deputy Advocate General, Punjab.  
Mr. Vivek Chauhan, Advocate, for respondent No.7.

**Rajesh Bhardwaj, J. (ORAL)**

Prayer in the present petition is for setting aside the impugned order dated 11.12.2018 (Annexure P-4) passed by Deputy Commissioner, Bathinda (Exercising the powers of Commissioner under the Punjab Public Premises (Eviction and Rent Recovery) Act, 1973, whereby, the detailed and well-reasoned order dated 24.04.2018 (Annexure P-3) passed by the learned SDM, Bathinda (Exercising the powers of Collector, Bathinda), has wrongly and illegally been set aside and remitted back for fresh consideration and subsequent eviction order dated 22.04.2019 (Annexure P-6) passed by respondent No.6 (District Development and Panchayat Officer, Bathinda) and subsequent dismissal of appeal vide order dated 19.09.2019 (Annexure P-8) passed by respondent No.5 (Special Secretary, Rural Development and Panchayat Department, Punjab). Further prayer has been made for restoring the possession of both shops in question to the petitioner which has been unlawfully taken by the respondents.

Affidavit of respondent No.7-Panchayat Samiti Bathinda, Block Bathinda, District Bathinda filed in Court is taken on record. It has been mentioned in the affidavit that as per resolution passed by Panchayat Samiti,

there were total 24 shops, out of which 21 shops have already been rented out. He has submitted by learned counsel for respondent No.7 that Shops No.18, 19 and 20 are laying vacant. He submits that rent of these shops would be assessed by the SDO, Panchayati Raj Bathinda and thereafter, auction of these shops would be held by the Panchayat Samiti by publishing in two leading newspapers (Punjabi and English). He submits that the petitioner can participate in the auction proceedings. He has further submitted that the auction proceedings etc. would be carried out by the end of December, 2023.

Mr. Jaswinder Singh, Panchayat Officer, Panchayat Samiti Bathinda is present in Court and has submitted that at the time of publication, the petitioner would be informed telephonically.

Petitioner who is also present in person is agreed to the same, but submits that the only source of his livelihood is the shop and the respondents should take into consideration his precarious condition.

After hearing learned counsel for both the sides, it is evident that three shops i.e. shop Nos.18, 19 and 20 are lying vacant for which publication would be carried out in the newspapers for carrying out auction. The petitioner would be allowed to participate in the auction proceedings. The respondents are also directed to take into consideration the grievances raised by the petitioner regarding his financial condition and if the same is permissible under their bylaws, necessary decision be taken accordingly.

The present petition is disposed of in above terms.

30.10.2023

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No