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

CWP-7808-2023

Date of decision:19.04.2023

GURVED SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLR MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Kamal Narula, Advocate
for the petitioner.

Ms. Monika Jalota, Sr. DAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The present writ petitioner challenges the notification No.S.O.2/P.A.31/1973/S.2/2023 of 06.01.2023 whereby the Government of Punjab has vested jurisdiction in respect of determining a claim planked, upon The Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (hereinafter referred to as “the Act of 1973”), in the Executive Engineer Canals in the State of Punjab, through designating them/him as Collectors, for the purpose of trying a petition, cast under the Act of 1973.

2. The learned counsel for the petitioner argues before this Court, that since the above notification, has only a prospective effect, and, does not have any explicit retrospective effect, therefore the extant *subjudice lis* before the SDM-Collector Ist Grade concerned, but cannot be transferred for exercising thereons jurisdiction by the Authority as created under the notification as comprised in Annexure P-4.

3. For the reasons to be assigned hereinafter the above argument is meritless. Though there is no explicit speaking in Annexure P-4 about the vestment of jurisdiction in the Authority created thereunder rather empowering the said empowered officer to try, and, to make a valid order upon the apposite petitions made, and, *subjudice* before the SDM-Collector Ist Grade concerned. However, the above deficit, if any, rather becomes completely covered by Annexure P-5, which is also an order issued by the Competent Authority concerned, whereby the therein enlisted *subjudice* matters, before the earlier empowered authority, have been spoken to become removed from the jurisdiction of SDM-Collector Ist Grade, concerned, whereafter become spoken to become assigned to become tried besides adjudicable by the newly created jurisdictional authority by Annexure P-4.

4. Since one of the matters enlisted in Annexure P-5, is the instant matter, therefore, the above argument raised by this Court is meritless, and, is rejected. Therefore, this Court finds no merit in the writ petition, and, is constrained to dismiss it. However, the Authority concerned, whereto whom the authority to try and decide the lis at hand, has been invested, is further directed to expeditiously, and after hearing all affected concerned, hence make a lawful decision on the relevant lis.

(SURESHWAR THAKUR)
JUDGE

19.04.2023

Ithlesh

(KULDEEP TIWARI)
JUDGE

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