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

CWP-8507-2023

Date of decision : 25.04.2023

Yash Paul Kapoor and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Punchhi, Advocate for the petitioners.

Mr. Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent Nos.1 and 2 to cancel the lease deed executed by respondent No.2 in favour of respondent No.3.

2. Learned counsel for the petitioners has submitted that lease in favour of respondent No.3 is in violation of the Government Instructions. It is further submitted that the property is owned by respondent No.2- Municipal Corporation, Bathinda and for the grievances raised by the petitioners, the petitioners have given representation dated 20.02.2023 (Annexure P-24) to the Commissioner, Municipal Corporation, Bathinda.

It is further contended that the petitioners would be satisfied in case, the Commissioner, Municipal Corporation, Bathinda considers the said representation dated 20.02.2023 (Annexure P-24) and in case, the Commissioner, Municipal Corporation, Bathinda finds any merit in the same, then to take appropriate action, in accordance with law.

3. Keeping in view the abovesaid facts and circumstances and the abovesaid prayer made by the petitioners, the present Civil Writ Petition is disposed of with a direction to the Commissioner, Municipal Corporation, Bathinda, to consider the representation dated 20.02.2023 (Annexure P-24) and in case, the Commissioner, Municipal Corporation, Bathinda, finds merits in the same, then to take appropriate action, in accordance with law, after hearing respondent Nos.3 and 4 and all the persons concerned.

4. This Court has not opined on the merits of the case and the Commissioner, Municipal Corporation, Bathinda, would consider the said representation independently and in accordance with law.

5. A perusal of the averments made in the present writ petition would show that the present petitioners are tenants of respondent No.4 and the eviction petitions have been filed by respondent No.4 against the present petitioners and the same are pending since 2017, which are now fixed for the final arguments.

6. It is clarified that the present order directing the Commissioner, Municipal Corporation, Bathinda to consider the representation dated 20.02.2023 (Annexure P-24) should not come in the

way of the authorities before whom the eviction proceedings against the present petitioners are pending and the said authorities would continue with the said proceedings, in accordance with law.

7. It is also clarified that the consideration of representation dated 20.02.2023 (Annexure P-24) by the Commissioner, Municipal Corporation, Bathinda should neither be construed as a stay of the said eviction proceedings before the said authorities nor should it be a reason to grant an adjournment in the said proceedings.

25.04.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**