

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

CWP-13453-2023

Date of Decision: 03.07.2023

Piara Singh

..... Petitioner

Versus

Chandigarh Administration and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rakesh Bhatia, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has approached this Court impugning the order dated 09.05.2023 under Sub-Section (1) of Section 5 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, whereby, booth of the petitioner was sealed without supplying the order dated 09.05.2023.

Learned counsel for the petitioner has submitted that the petitioner was an allottee of the booth, whereas, the respondents have cancelled the lease without complying with the statutory provisions. He submits that the petitioner already assailed the same by way of filing appeal before the Chief Administrator, U.T. Chandigarh, which is pending adjudication till date. He submits that during the pendency of the same, the impugned order dated 09.05.2023 was passed and his booth has been sealed. He relies upon the judgment of this Court in case of Hakumat Rai Baluja vs. Chandigarh Administration, Chandigarh and others, passed in CWP-5088-1996 decided on 10.07.1996 and submits that the petitioner could not have been declared illegal occupant during the pendency of the appeal filed by him.

Notice of motion.

Mr. Maheshinder Singh Sidhu, Advocate and Mr. Rakesh

Sobti, Advocate, accept notice on behalf of the State/UT Chandigarh. Leaned State counsel has strongly objected to the contentions raised by learned counsel for the petitioner. He has submitted that as per statutory provisions the appeal is maintainable against the impugned order as per Section 9 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971. He submits that the petitioner has not even availed the remedy available under the statute.

After hearing learned counsel for the parties and perusing the record, it is is apparent that the petitioner has already filed an appeal before the Appellate Authority against the order of cancellation of lease deed, which is pending adjudication. In the facts and circumstances, the present petition is disposed of with a direction to Appellate Authority to decide the appeal filed by the petitioner expeditiously in accordance with law. The petitioner would be at liberty to raise his grievances before the concerned authority.

03.07.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE
: Yes/No
: Yes/No