

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

105

2023:PHHC:122577-DB

CWP-17163-2022

Date of Decision: 19.09.2023

Surinder Kaur and others

.....Petitioner(s)

Versus

State of Punjab and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Gursimranjit Singh, Advocate,
for Mr. APS Sandhu, Advocate,
for the petitioners.

Mr. V.G. Jauhar, Addl. A.G., Punjab.

G.S.SANDHAWALIA, J. (Oral)

1. Challenge in the present writ petition filed under Articles 226 and 227 of the Constitution of India is to the order dated 24.04.2007 (Annexure P-14) wherein the appeals were allowed by the Deputy Commissioner while exercising power under the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. Resultantly, the petitioners were directed to vacate the public premises/flats in question and hand over the same to the Punjab Urban Development Authority, Amritsar. The arrears of the rent of unauthorized period, as claimed and assessed in the application filed in the First Court, had also been allowed and the petitioners have been directed to deposit the same.

2. On 05.08.2022, this Court had directed the State to seek instructions as to what action has been taken on the representations (Annexure P-16 and P-17) particularly in reference to Gurnam Singh.

Thereafter, counsel for the State had taken time on 30.01.2023 and on

15.03.2023 wherein, it had been stated that the applications filed were being

traced by the State. On 16.05.2023, the following order was passed:-

“Learned counsel for the State has produced a copy of the communication dated 15.05.2023 received from the Estate Officer, Amritsar, according to which, on 04.05.2023, when the case was fixed for hearing, a request had been made by the petitioners for an adjournment and now the next date of hearing to consider the representation of the petitioners dated 31.03.2014 (Annexure P-16) is fixed as 19.05.2023.

In the light of the above, hearing of the case is deferred to 18.07.2023.

Let a decision be taken by the Estate Officer, Amritsar, one week prior to the next date of hearing. The said decision be placed on record.”

3. Thereafter on 18.07.2023, we had directed that in case the competent authority does not decide the issue, the concerned officer shall come present in Court to explain the lapse.

4. Today, an order dated 18.09.2023 has been produced before us passed by the Deputy Commissioner, Amritsar wherein the applicant was given hearing and he had moved an application for production of some additional documents (like rent receipts, passport as proof of residence etc.) Resultantly, the matter has been kept for consideration for 22.09.2023. Apparently, the matter is now pending before the said Authority.

5. A perusal of the representation dated 31.03.2014 (Annexure P-16) would go on to show that the flats which are in question i.e. Flat Nos.904-C, 905-C and 906-C, HIG Housing Board Colony, Ranjit Avenue, Amritsar were allotted in the names of Surinder Singh, Kuldip Singh and Gurnam Singh, respectively who are stated to be predecessor-in-interest or closely related to the petitioners. It is in such circumstances directions had been

issued to consider the case and the authorities are doing so.

6. Thus, we are of the considered opinion that let a fresh order be passed on the said representations (Annexures P-16 and P-17) in view of the material which may be produced by the petitioners in support of their case so that the same can be examined with proper diligence. If there is any such right of the petitioners in the flats in question, appropriate directions be issued without being swayed by the earlier order which has already been passed. The needful be done within a period of 2 months from the date of receipt of certified copy of the order.

7. Accordingly, the writ petition is disposed of with the above said observations. Needless to say that if the petitioners are not able to put forth any substantial material in support of their case and the earlier order is reiterated, they will have liberty to approach this Court afresh.

(G.S. SANDHAWALIA)
JUDGE

19.09.2023
shivani

(HARPREET KAUR JEEWAN)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No