

2023:PHHC:087430
121 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14669-2023
Date of Decision: 13.07.2023

Shiv Chand and others Petitioners

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. M.L. Saggar, Senior Advocate with
Ms. Armaan Saggar, Advocate and
Mr. Rohit Joshi, Advocate, for the petitioners.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing the order dated 09.06.2023 (Annexure P-5) under Sub Section (1) of Section 4 of the Punjab Public Premises Land (Eviction and Rent Recovery) Act, 1973 calling upon the petitioners to appear in the Court of respondent No.2-Collector.

Learned Senior counsel has *inter alia* contended that the petitioners are the victim of the impugned order passed by respondent No.2 totally throwing away the provisions of law to the winds. He submits that the petitioners are in possession since long and they are cultivating this land. He submits that crop is already sown but the notice has not only been given to summon the petitioners but they have been restrained from cultivating this land. He submits that in pursuance to the impugned notice, the petitioners duly appeared before respondent No.2, but the case has not been heard till date. He submits that passing of the stay order against the petitioners and thereafter not even hearing their grievances has resulted into gross injustice to them.

Notice of motion.

Mr. Charanpreet Singh, AAG, Punjab, accepts notice on behalf of
the respondent-State.

After hearing learned counsel for the parties and perusing the record, it is apparent that the impugned notice has been issued to the petitioners with a stay. The petitioners as submitted by learned Senior counsel have appeared on 13.06.2023 and 11.07.2023 but till date they have not been heard. Resultantly the present petition is disposed of with a direction to respondent No.2 to hear the grievances of the petitioners and take a conscious decision thereon as per law within a period of seven days from today. Needless to say that if the petitioners are not heard by respondent No.2, the petitioners would be at liberty to seek their further remedy in accordance with law.

Copy of the order be given *dasti* to the learned State counsel for communication to respondent No.2.

13.07.2023
sharmila

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

(RAJESH BHARDWAJ)
JUDGE