

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(129)

CWP-17080-2023

Decided on : 07.08.2023

Ram Chander Sharma @ Ramesh Chander

.....Petitioner(s)

Versus

Chandigarh Administration and others

.....Respondent(s)

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

Present: Mr. Sukhandeep Singh, Advocate for the petitioner (s).

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226/227 of the Constitution of India seeks directions to the respondents to de-seal the residential house of the petitioner i.e. Tenement No.2510/1, Sector 38, Chandigarh.

2. It is the case of the petitioner that allotment of the said house under the Licensing of Tenements and Sites and Services in Chandigarh Scheme, 1979 was cancelled on 14.10.1997 (Annexure P-2). The said order was subject matter of challenge in **CWP No.2182 of 2000** and since the petitioner had been dispossessed, possession had been restored vide order dated 13.09.2000 and eventually the writ petition was allowed on 23.12.2014 (Annexure P-3) by holding no notice under Section 4 of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (for short '1971 Act') had been served. Therefore, the order of eviction passed was set aside with liberty to the respondents to take action of cancellation of tenement and of taking possession in accordance with law.

3. Counsel for the petitioner has submitted that fresh notice under Section 4 of the 1971 Act on 27.02.2017 (Annexure P-4) which was based on the earlier order dated 14.10.1997 was duly replied vide Annexure P-5.

Eventually the order dated 20.09.2022 (Annexure P-6) was passed for eviction, which was based on the same premises. Counsel has further submitted that the petitioner has filed an appeal before the District Judge alongwith application for condonation of delay and stay application against the said order dated 20.09.2022, in which notice was issued on 07.10.2022 (Annexure P-9). During the interim period without filing reply the petitioner has been evicted on 16.06.2023 and now the matter is fixed for 16.08.2023.

4. Notice of motion.
5. Mr. Vivek Chauhan, Advocate accepts notice on behalf of the respondents/U.T.Chandigarh.
6. Keeping in view the above sequence of events, we are of the considered opinion that since the appeal is already pending alongwith application for condonation of delay and stay application, we request the learned Additional District Judge to expedite the hearing of the said applications and take a decision on the same on 16.08.2023 or within 10 days thereafter. In case, the U.T. Administration prefers not to file its reply by then, the Court shall proceed ahead irrespective of the same.
7. The writ petition stands disposed of with the abovesaid directions.

(G.S. SANDHAWALIA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

07.08.2023
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No