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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25812-2021

Date of decision : 24.04.2023

Smt. Sona Devi

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sanjiv Kumar Yadav, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana with
Mr. Anand Kumar, Naib Tehsildar (Sales), Ambala and
Mr. Ravinder, Kanungo, for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the eviction notice dated 20.04.2021 (Annexure P-14) issued by respondent No.4 to the petitioner.

2. Learned State Counsel has submitted, on instructions from Ravinder, Kanungo, Office of Tehsildar (Sales), Ambala, that in the present case, only show cause notice under Sections 5 and 6 (2)(b) of the Haryana Evacuee Properties (Management and Disposal) Act, 2008 for the eviction of the evacuee property has been issued and the petitioner has already given her reply to the same and no order under the Act has been passed. It is further submitted that the authorities will pass the order under the Act after taking into consideration the reply filed by the petitioner in accordance with law. It is contended that till the time the said order is passed by the authorities, the petitioner will not be dispossessed from the premises in question. It is further contended by the State that any order passed by

the authority on the show cause notice is further appealable under Section 7 of the Haryana Evacuee Properties (Management and Disposal) Act, 2008.

3. Learned State Counsel has further submitted that an application filed by the petitioner for allotment of the property has been rejected by the authority vide order dated 19.04.2021 and they would supply the copy of the said order to the petitioner on the petitioner coming to the office of Tehsildar (Sales), Ambala within a period of seven days after the petitioner deposits the necessary fee.

4. Keeping in view the abovesaid facts and circumstances, more so, the stand taken by the State, the present Civil Writ Petition is disposed of with the following directions:-

- a) The Authorities would, after considering the reply filed by the present petitioner and also after following due procedure, as per law, would take a final decision on the show cause notice dated 20.04.2021 (Annexure P-14). Till the time the decision is taken on the said show cause notice, the petitioner would not be dispossessed from the premises in question.
- b) It would be open to the petitioner to go to the office of Tehsildar (Sales), Ambala and move an application for getting a copy of abovesaid order dated 19.04.2021, vide which, the application of the petitioner for allotment has been rejected and after the petitioner pays the necessary fees, the Tehsildar (Sales), Ambala is directed to supply the copy of order dated 19.04.2021 to the petitioner within a period of 10 days from the date of filing of the said application and on deposit of the requisite fee.

24.04.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**