

CWP-22486-2023

Date of Decision: 06.10.2023

Vinod Kumar

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Jagraj Singh Khiva, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for issuance of direction to respondent No.3 to immediately stop from proceeding any further in the petition/application under Sections 3, 4, 5 of the Punjab Public Premises & Land (Eviction & Rent Recovery) Act, 1973 (Annexure P-9) filed by respondent No.6 against the petitioner to evict him from Shop No.11 of Municipal Council, Rampura Phul situated near Dhobi Ghaat Market Rampura Phul since the proceedings qua the petitioner are unlawful, beyond authority and sovereign, violate fundamental rights and disobey the clauses of natural justice as respondent No.3 performing all the powers and duties of Municipality being administrator of Nagar Council Rampura Phul in pursuance of notification dated 24.03.2020 (Annexure P-11) and is an interested party and he is also hearing the application (Annexure P-2) against the petitioner moreover the petition does not fall under the said Act being authorized occupant of the shop/plot, which is totally against the principle of natural justice.

It has been contended by learned counsel for the petitioner that respondent No.3 cannot hear the petition under Sections 3, 4, 5 of the Punjab Public Premises & Land (Eviction & Rent Recovery) Act, 1973 as being the Administrator he himself would be interested in the case and the same would be

against the principle that a Judge who himself is interested in the case, cannot decide the same.

Notice of motion.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab, accepts notice on behalf of the State. On instructions from Showkat Ahmad Parray, Deputy Commissioner, Bathinda, she has submitted that the submissions made by counsel for the petitioner does not survive, as the case has already been transferred for adjudication before the Additional Deputy Director, Urban Development. She submits that as on date, respondent No.3 is not adjudicating authority and thus, no grievance of the petitioner is left for redressal in this case.

Accordingly, the present petition is disposed of as infructuous. However, the petitioner would be at liberty to pursue his grievance before the authority where the petition is pending adjudication.

06.10.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No