

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

CWP No.24729 of 2023

Date of Decision: 03.11.2023

Akshay 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.

Present writ petition has been filed for quashing the impugned notice/letter No.2555/Bathinda dated 19.10.2023 (Annexure P-3) as well as impugned notice/letter No.2637/Bathinda dated 27.10.2023 (Annexure P-5) whereby respondent No.4 summoned the petitioner to appear and file response within few hours and failing which he will be proceeded exparte even without mentioning about the subject matter of the case and without detailing the reasons/grounds on which petitioner is required to appear totally in violation of mandatory provisions of Order V CPC which is totally wrong, uncommunicative, illegal, arbitrary, violating the fundamental rights and against the principle of natural justice, same is liable to be quashed. Further prayer has been made that proceedings in petition in which impugned notices/letters (Annexures P-3 and P-5) may kindly be stayed.

It has been contended by learned counsel for the petitioner that proceedings against the petitioner were initiated under Sections 3, 4 and 5 of the Punjab Public Premises and Land (Eviction & Rent Recovery) Act, 1973 in a *mala fide* manner. He submits that the impugned summons have been issued to the petitioner without supplying him the copy of petition. He submits that without providing him copy of the petition, summons have been pasted on his house. He submits that the impugned summons being against the provisions of law deserve to be quashed.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab appears and accepts notice on behalf of the respondents.

On hearing learned counsel for the parties and perusing the record, this Court does not find the present petition to be maintainable. Petitioner has been served with the notices to appear before the Court and file reply. In response to the summons issued, the petitioner is to avail his legal remedies as available to him under the law.

Thus, this Court finding no ground to interfere with the impugned notices/letters, the present petition is disposed of with liberty to the petitioner to avail his alternative remedies as available to him in accordance with law.

03.11.2023

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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No