

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112

RSA-2752-1994 (O&M)
Date of decision: 10.04.2024

STATE OF PUNJAB & ANR. ..Appellants

Versus

MOTI LAL & ANR. ..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kanav Singla, AAG, Punjab.

Mr. Jeevan Gautam, Advocate
for Mr. S.D. Bansal, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

1. This is defendants regular second appeal against the concurrent findings of fact arrived at by the Courts below while decreeing the suit for mandatory injunction directing them to pay Rs.1,01,000/- to the plaintiff along with interest at the rate of 12% per annum from the date of filing of the suit till its realization and interest at the rate of 6% from the date of decree till recovery of the decretal amount.
2. In order to comprehend the issues involved in the present case, the relevant facts, in brief, are required to be noticed.
3. The respondents (plaintiffs) were allocated site for running tea and fruit stall for a period of one year from 05.01.1987 to 04.12.1987. The plaintiffs deposited Rs.23,100/- as security and another amount of Rs.23,100/- towards three months' advance licence money. However, on 26.07.1987, the appellants shifted the bus stand and thereafter, demolished the fittings and 'bhattis' fabricated by the plaintiffs. Thus, the plaintiffs filed

suit for mandatory injunction directing the appellants to pay Rs.46,200/-, the amount which was already deposited and Rs.55,000/- as damages. The trial Court found that no notice was given to the plaintiffs before shifting the bus stand and damage was caused by the State officials to his establishment. Thus, the Courts have decreed the suit.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. It may be noted here that while admitting the appeal, Rs.46,200/- was directed to be paid to the plaintiffs, whereas, execution of the balance amount was stayed.

6. The learned counsel representing the appellant contends that the plaintiffs did not pay the licence fee with respect to tea stall from 04.06.1987, whereas, with respect to fruit stall, the licence fee was not paid from 04.07.1987. He submits that General Manager of the bus depot did not know that the bus stand will be shifted, hence, the State is not liable to pay damages.

7. This Court has considered the submissions of the learned counsel representing the parties.

8. Upon appreciation of evidence, there is concurrent findings of fact of the Courts below that the plaintiffs were not fairly treated. After having allocated tea and fruit stalls in January, 1987, the plaintiffs started their business, however, suddenly without any advance notice, the bus stand was not only shifted but their establishment was also demolished. In these circumstances, it was for the State to inform the plaintiffs and give them sufficient time to shift their establishment.

9. It may be noted here that the plaintiffs were not granted any alternative accommodation in the new bus stand for the period for which the licence was allotted to them.
10. Keeping in view the aforesaid facts, no ground to interfere is made out.
11. Dismissed accordingly.
12. All the pending miscellaneous applications, if any, are also disposed of.

April 10th, 2024

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(ANIL KSHETARPAL)
JUDGE

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