

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.840 of 2024 (O&M)
Date of Order:21.03.2024

Rashid and others

.Appellants

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Akshay Kumar Jindal, Advocate
for the appellants.**

Mr. Jaspal Singh Pannu, AAG, Haryana.

ANIL KSHETARPAL, J

1. In this regular second appeal, the plaintiffs assail the correctness of the concurrent findings of fact arrived at by the courts below while rejecting their plaint under Order VII Rule 11 CPC.

2. In substance, the Haryana State Transport Department has purchased the suit land from Panchayat Samiti in order to construct a bus stand in the area of Punhana. Originally the petition under the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 (hereinafter referred to as 'the 1972 Act'), was filed, which was allowed. The plaintiffs are claiming to be in possession of six shops as tenants under the Panchayat Samiti. The period of lease expired on 31.12.2013. The Collector, Punhana passed eviction order dated 12.10.2023 against the plaintiffs. Thereafter, the plaintiffs filed the suit which, as already noticed, has been dismissed by both the courts below.

3. The learned counsel representing the appellants submits that in the beginning, a petition was filed by the Haryana State Transport

Department under the Haryana Urban (Control of Rent and Eviction) Act, 1973 (hereinafter referred to as 'the 1973 Act'), admitting the plaintiffs to be statutory tenants. He submits that subsequently the same was withdrawn and the proceedings under the 1972 Act were initiated.

4. Admittedly, the lease period in favour of the plaintiffs expired more than 10 years back. The premises is required for constructing a bus stand which is for facility of the general public. The competent authority under the 1972 Act has already ordered eviction of the appellants. Moreover, the tenants of Panchayat Samiti do not get protection under the 1973 Act. The mere filing of ill advised petition will not operate as estoppel against the State Government.

5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

March 21, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO