

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.7026 of 2024
Date of Decision: 22.03.2024

Suchita Aggarwal
..... Petitioner

Versus

State of Punjab and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr Sumeet Mahajan, Senior Advocate with
Mr. Saksham Mahajan, Advocate and
Mr. Shrey sachdeva, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

Present writ petition has been filed for quashing the impugned orders dated 07.03.2024 (Annexure P-1) passed under Section 5 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 by respondent No.2 on application moved by respondent No.3 (Annexure P-2) under the provisions of Section 5 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 for removal of the boundary wall built over allegedly on the irrigation land belonging to respondent No.1 on the basis of impugned summons dated 11.12.2023 (Annexure P-3) alleged by respondent No.2 being without jurisdiction, violative, without serving mandatory notice under Section 4 of Public premises (Eviction of Unauthorized Occupants) Act, 1971 without giving any opportunity of being heard, unconstitutional and in contravention of Section 4(2)(a)(b), (3)& (4) of Public Premises Eviction of Unauthorized Occupants) Act,

1971 as the continuation of the same is unfair, oppressive and a gross abuse of process of law resulting in a grave miscarriage of justice. Further prayer has been made that by passing an ad-interim order, respondents No.1 to 3 may be restrained from taking any coercive action or physical possession or removing the boundary wall of property of the petitioner or interfering in any manner in the peaceful and exclusive possession of the petitioner during the pendency of the present petition.

Learned Senior counsel for the petitioner has fairly submitted that the appeal lies against the impugned order. However he has submitted that the respondent authorities have resorted to execute the impugned order and thus the orchard under dispute is likely to be demolished. He submits that he may be allowed to withdraw the present petition with liberty to the petitioner to avail his remedy of appeal. However, he be granted some protection till then.

In view of the submissions made by learned senior counsel for the petitioner, the present petition is disposed of with liberty to the petitioner to file an appeal against the impugned order within 10 days. No coercive action shall be taken till then. It is being clarified that in case no appeal is filed within the stipulated period, the interim protection granted today would be of no avail to the petitioner.

(RAJESH BHARDWAJ)
JUDGE

22.03.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No