

2024:PHHC:110159



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-12891-2021

Date of decision: 27.08.2024

ADMINISTRATIVE COMMANDER, STATION HEADQUARTER,
AMRITSAR CANTONMENT AMRITSAR

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Vibhor Bansal, Advocate
for the petitioner.

Ms. Niharika Sharma, AAG, Punjab
for respondents No.1 to 3.

None for respondent No.4.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for directing the respondents to assist the petitioner ensuring peaceful eviction of the illegal trespassers/occupants in the Defence land comprising Bungalow No. 19 (Survey No. 21), Amritsar Cantonment measuring 1.58 acres.

Learned Counsel appearing on behalf of the respondents No.1 to 3 contends that the occupants of the Bungalow No. 19 as per Survey No.21 had preferred CWP-16674 of 2024 titled as “*Subhash Chander and others versus State of Punjab and others*” which was decided vide order dated 19.07.2024 allowing the petitioners therein to vacate the premises within a period of two months. A further direction has been issued in the said order that in the event of the petitioner not handing over vacant possession after expiry of two months,



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the State/Union of India would be at liberty to get possession of the property in question by taking Police help. The operative part of the order dated 19.07.2024 supra reads thus:-

“12. In the peculiar facts and circumstances of the case, the petitioners and/or anyone claiming under or through them, are granted two months’ time to vacate the property, in question. It is further directed that after the expiry of two months’ period from today, the vacant and peaceful possession of the property be handed over to the State/Union of India, failing which, the State/Union of India, would be at liberty to get the possession of the property, in question by taking police help”

In view of the aforesaid direction having been issued by a Coordinate Bench in CWP-16674 of 2024 titled as **“Subhash Chander and others versus State of Punjab and others”**, the present writ petition has been rendered infructuous.

The respondent-State shall, however, be bound to extend appropriate assistance for seeking vacant possession of the land in the event of the occupants not vacating the premises as per the undertaking given by them before this Court in CWP-16674 of 2024 titled as **“Subhash Chander and others versus State of Punjab and others** (supra).

(VINOD S. BHARDWAJ)

JUDGE

AUGUST 27, 2024

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No