



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

CWP-14238-2024

Date of decision : 31.05.2024

Jaswant Singh Deceased Through Lrs

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Promila Nain, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present civil writ petition has been filed for quashing the notice dated 10.01.2024 issued by respondent No.3 under Sections 5, 6 & 7 of the Punjab Public Premises Land (Eviction and Rent Recovery) Act, 1973 (Annexure P-1) without issuing mandatory notice under Section 4 of the Punjab Public Premises Land (Eviction and Rent Recovery) Act, 1973 is illegal, arbitrary against the provisions of the Act and judgment and decree passed by Ld. Civil Court dated 25.04.2011 (Annexure P-3) being the owner of the property and the same has attained finality. Further prayer has been made for quashing the subsequent notice under Section 4 dated 18.01.2024 (Annexure P-2) issued by respondent No.3 which is not only against the provisions of Punjab Public Premises Land (Eviction and Rent Recovery) Act, 1973 but also in violation of judgment and decree dated 25.04.2011 (Annexure P-3) passed by Ld. Court of Ms. Gurpreet Kaur, Civil Judge, Jr. Division, Ludhiana and same is also counter blast to the execution petition (Annexure P-4) filed by the petitioners which is



pending for adjudication. Even the act of respondent No.1 is contemptuous and against the judicial orders. With a further prayer to quash the order dated 30.01.2024 (Annexure P-5) and order dated 06.05.2024 (Annexure P-6), which are not only illegal but are result of colourable exercise of power. Further prayer has been made for directing the respondent No.2 to not to use any coercive steps to dispossess the petitioners and give reasonable to challenge his order dated 06.05.2024 passed in the appeal filed by the petitioners.

Learned counsel for the petitioner has *inter alia* contended that the petitioner was served with impugned notices dated 10.01.2024 (Annexure P-1) and 18.01.2024 (Annexure P-2). She submits that the petitioner has filed the reply to the same. However, the eviction proceedings were initiated against the petitioner. She submits that the appeal filed by the petitioner before the Deputy Commissioner has now been dismissed as pronounced in the open Court. However, the order has not been provided to the petitioner due to the on-going elections. The apprehension of the petitioner is that once copy of the order is given during the vacations, the petitioner may be evicted without providing any opportunity to the petitioner for availing his remedy. She further submits that there is Civil Court decree dated 25.04.2011 in favour of the petitioner.

Notice of motion.

On the asking of the Court, Mr. Rajeev Takkar, D.A.G., Punjab, accepts notice on behalf of the respondents-State.

Admittedly, as submitted by counsel for the petitioner, the order though has been pronounced but the copy of the order is not yet



provided to the petitioner. Thus, the present petition is disposed of with direction to the State for granting two weeks time from the date of supplying the copy of the same to the petitioner for assailing the order passed by the Deputy Commissioner. No coercive action would be taken against the petitioner till two weeks from the date of supply of copy of the same.

31.05.2024

(RAJESH BHARDWAJ)
JUDGE

ps-I

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