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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-14811-2024 (O/M)
Date of decision : 02.07.2024

Poonardeep Singh Bolaria Petitioner

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Divanshu Jain, Advocate
for the petitioner.

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HARSH BUNGER, J. (ORAL)

1. Petitioner (Poonardeep Singh Bolaria) has filed the instant civil writ petition under Article 226 of the Constitution of India, seeking a writ in the nature of mandamus for directing respondent No. 3 (Commissioner, Municipal Corporation, Amritsar) to decide his representation dated 07.06.2024 (Annexure P-11).

2. Petitioner states that the property bearing premises No. 119, situated at Bakkar Mandi, Near Khazana Gate, Amritsar, was leased out to the petitioner, vide lease deed dated 08.08.1989, for an initial period of 3 years, i.e. from 01.04.1989 to 31.03.1992. Petitioner claims that subsequently when the possession of the petitioner over the aforesaid premises was threatened, he filed a civil suit bearing No. 210/1992, seeking permanent injunction for restraining the Municipal Corporation, Amritsar, from interfering in his peaceful possession over land measuring 6 Kanal 15

Marlas 177 Sq. Ft., comprised in Khasra No. 613. The aforesaid civil suit came to be decided by the learned Additional Senior Sub Judge, Amritsar, vide order dated 21.05.1992 (Annexure P-2) on the basis of a statement made by the counsel representing the Municipal Corporation, Amritsar, that the petitioner will not be dis-possessed, except in due course of law.

3. Petitioner states that subsequently, Municipal Corporation, Amritsar initiated eviction proceedings against the petitioner under the Public Premises and Land (Eviction and Rent Recovery) Act, 1973, with regard to the land measuring 4 Kanal 17 Marlas; however, the said eviction petition was dismissed, vide order dated 18.04.2002 (Annexure P-3) and an appeal filed against the said order was also dismissed by the Appellate Authority on 26.09.2006 (Annexure P-4). It is stated that thereafter, Municipal Corporation, Amritsar, filed CWP-15706-2007 before this Court, however, during the pendency of the said civil writ petition, a proposal was submitted by the Estate Officer, Municipal Corporation, Amritsar, for enhancement of lease period for further 21 years with effect from 31.03.1992 till 31.03.2013.

It is observed from Annexure P-5 that the aforesaid proposal for enhancement of lease period was with respect to land measuring 6 Kanal 15 Marlas 177 Sq. Ft.

4. In view of the aforesaid proposal, CWP-15706-2007 came to be disposed of by this Court, vide order dated 14.01.2014 (Annexure P-6).

5. Petitioner further states that the proposal for extension of lease period in respect of abovesaid property was again put up before the House, vide resolution No. 29, dated 29.01.2017, however, it was never finalized.

6. It appears that on 01.04.2020 the Punjab Government has

enacted 'The Punjab Management and Transfer of Municipal Properties Act, 2020' (in short 'Act of 2020') and the petitioner is stated to have submitted his representation (Annexure P-11) wherein the petitioner has expressed his willingness to purchase aforesaid premises in view of Act of 2020.

7. It is the submission of the petitioner that Municipal Corporation, Amritsar, without considering the aforesaid representation of the petitioner dated 07.06.2024 (Annexure P-11), is proceeding to take possession of the aforesaid premises without following any process of law.

8. Mr. Navneet Singh, Senior DAG Punjab appears on behalf of respondent-State, in pursuance to the advance copy of the writ petition having been served upon him.

9. Mr. Sanjeev Soni, Advocate also appears on behalf of respondent No. 3 (Commissioner, Municipal Corporation, Amritsar), in pursuance to the advance copy of the writ petition having been served upon him. Mr. Soni, on instructions from the Commissioner, Municipal Corporation, Amritsar, states that the representation dated 07.06.2024 (Annexure P-11), submitted by the petitioner, shall be considered and a decision thereon shall be taken within a period of 15 days from today after giving due opportunity of hearing to the petitioner. While referring to Annexure P-1, he further submits that the petitioner is in unauthorized possession of aforesaid premises as the lease was for only 1900 sq. yards. Mr. Soni submits that as regards taking over of possession of land, measuring 6 Kanal 15 Marlas 177 Sq. Ft., from the petitioner is concerned, the Municipal Corporation, Amritsar shall follow due process of law.

10. In view of the aforesaid facts and circumstances, this petition

is disposed of.

11. Petitioner is directed to appear before the Commissioner, Municipal Corporation, Amritsar on 04.07.2024 at 11:00 am or any other date as may be fixed by the concerned officer, in the office of Municipal Corporation, Amritsar, for the purpose of hearing of his representation dated 07.06.2024 (Annexure P-11).

12. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

02.07.2024
sjks

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