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

**CWP-20611-2022 (O&M)
Date of Decision: 12.12.2024**

Lal Chand Devi Chand Charitable Trust, Hisar

....Petitioner

Versus

Sub-Divisional Officer (Civil) Exercising Power of Collector
and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGERPresent : Mr. Anurag Jain, Advocate and
Ms. Chahat, Advocate
for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

HARSH BUNGER, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India *inter alia* seeking a writ in the nature of Certiorari for quashing the order dated 24.08.2022 (Annexure P-17) passed in Case No.36/PP Act/27.05.2022, titled as General Manager, Haryana Roadways Vs. Lal Chand Devi Chand Charitable Trust, Hisar and another, whereby application dated 08.08.2022 (Annexure P-14) filed by the petitioner for dismissal of the eviction application dated 12.05.2022 (Annexure P-13), has been dismissed by the learned Collector, Hisar.

2. Briefly, the petitioner claims to be the lessee in respect of plot of land measuring 10 Kanal 2 Marlas comprised in Khasra No.1582/26 of



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Jamabandi for the year 1981-82 of Village Beer-Hissar, Tehsil Hissar, District Hissar (hereinafter called the said land) situated at bus stand, Hissar vide lease deed dated 15.03.1985 (Annexure P-1) executed between the Haryana State Government and petitioner, whereby petitioner was permitted to construct a Dharamshala building. It appears that the said lease deed was terminated vide order dated 06.09.2021 (Annexure P-11) and thereafter, an eviction petition was filed under Sections 4, 5, 6 and 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 by Haryana Roadways, Hisar Department (for self and on behalf of State of Haryana) seeking eviction of the present petitioner from the aforesaid property in question.

2.1 It transpires that the petitioner filed an application dated 08.08.2022 (Annexure P-14) seeking dismissal of the eviction proceedings primarily on the ground that the eviction petition has not been properly instituted through a duly authorized representative.

2.2 The said application (Annexure P-14) came to be dismissed by the learned Collector, Hisar vide order dated 24.08.2022 (Annexure P-17).

3. In the aforementioned circumstances, the petitioner has filed the instant Writ Petition before this Court, for the reliefs as noticed above.

4. Today, learned State counsel has handed over a copy of letter dated 11.12.2024, issued by the Director, State Transport, Haryana, which is taken on record, subject to all just exceptions and the relevant extract of which reads as under:

“The matter has been considered and after approval of the competent authority, the necessary sanction/permission is accorded for making statement before the Hon’ble High Court for withdrawing of the application pending before the Collector, Hisar. However, it is made clear that the statement be made



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with the request to grant liberty for filing fresh application before the Collector, Hisar under the Public Premises Act after impleading the appropriate party i.e. State of Haryana through ACS, Transport.”

5. A perusal of the above quoted para would indicate that the petitioner in the eviction petition would be withdrawing the said eviction petition with the liberty to file a fresh eviction petition through a duly authorized representative in accordance with law.

6. Learned counsel for the petitioner does not raise any objection to the aforesaid course of action being adopted.

7. In view of the aforementioned facts and circumstances, the respondent No.2, who is the petitioner in the eviction petition (Annexure P-13) is permitted to withdraw the said eviction petition filed before the learned Collector, Hisar; however, with liberty to the State of Haryana as well as the State Transport Department, Haryana to initiate fresh eviction proceedings against the petitioner herein, through a duly authorized representative, in accordance with law.

8. Keeping in view the submissions made by learned counsel for the parties, the present writ petition is disposed of accordingly.

9. All pending application(s), if any, shall stand closed.

12.12.2024*Himani*

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No