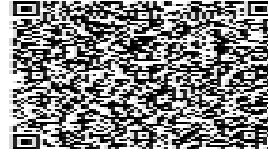


2024:PHHC:122064-DB



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

(116)

CWP-22418-2024

Decided on : 16.09.2024

Ashish Mohan Gupta

.....Petitioner(s)

Versus

Sub-Divisional Magistrate (East) U.T., Chandigarh & another

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MRS.JUSTICE MEENAKSHI I. MEHTA**

Present: Er.Sandeep Suri, Advocate for the petitioner (s).

Mr.Anil Sharma, Advocate

Mr.Arav Gupta, Advocate, for the respondents.

G.S. Sandhawalia, J.(Oral)

1. Counsel for the petitioner submits that the limited issue which he raises in the present writ petition, by giving up the other reliefs, is that an appeal has been filed under Section 19(1) of the Capital of Punjab (Development & Regulation) Act, 1952 which is pending against the order dated 10.04.2024 (Annexure P-8) passed by the SDM whereby the lease of the site has been cancelled. The said appeal is stated to be pending and on account of the non-delegation of the power and the officer not being available, the petitioner has been constrained to approach this Court.

2. On 09.09.2024, the following order was passed:

“Limited prayer made by counsel for the petitioner is that despite the appeal which is pending against the order of cancellation of the lease vide order dated 10.04.2024 (Annexure P-8), coercive steps have been taken under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, while issuing notice dated 16.08.2024 (Annexure P-10). It is submitted that there is no designated Officer to hear the appeal.

Mr.Sharma, accordingly, prays for time to seek necessary instructions by the next date of hearing.

List on 16.09.2024.”

3. Today, we have been informed that an officer has been designated and he has been delegated the power to hear the appeal, which is stated to be listed for 16.12.2024.

4. Keeping in view the above, it is apparent that the relief claimed has now become infructuous. However, since the petitioner has been put to notice to vacate the premises while issuing notice under Section 4(1) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (Annexure P-10), we dispose of the present writ petition by directing the respondents that no coercive steps will be taken on the said notice till 16.12.2024. It is open to the petitioner to press forth his application for stay before the Appellate Authority, who shall make efforts to decide the appeal and if not possible, pass order on the stay application. Needless to say that we have not commented upon the merits of the case and regarding the other issues which are sought to be raised and it will be open to the petitioner to raise challenge, if so required, at a subsequent point of time.

5. With the above-said directions, the present writ petition stands disposed of.

(G.S. SANDHAWALIA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

16.09.2024
Sailesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No