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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26054-2023

Date of Decision: February 01, 2024

Himachal Road Transport Corporation

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.D.V.Sharma, Sr.Advocate with
Ms.Sunder Kumari, Advocate with
Er.Pankaj Chadha, Divisional Manager, HRTC, Dharmashala,
for the petitioner.

Mr.Vishal Garg, Senior Panel Counsel
for Union of India with
Mr.Sachin Chopra, Assistant Divisional Engineer, Pathankot &
Mr.Pritam Chand Mankotia, Chief Office Superintendent,
ADEN Office, Pathankot, for the respondents.

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RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for quashing of
impugned order dated 25.10.2023, Annexure P-1, declining stay by learned
Additional District Judge, Pathankot, against the order, dated 23.08.2023,
Annexure P-2, passed by the Estate Officer, Northern Railway, Ferozepur,
and granting stay against the execution of the eviction orders dated
23.08.2023 during pendency of CA/86/2023 pending before Additional
District Judge, Pathankot.

Learned senior counsel submits before this Court that after
grant of status quo by this Court vide order dated 20.11.2023, the
respondents have put barricade only in order to violate the order of this

adjudication before the appellate Court and is fixed for hearing on 23.02.2024. He submits that because of the barricades put up by the respondents, the petitioner cannot take its buses inside the place which it was using since the year 1938. He submits that six buses are also lying parked inside the premises and those buses cannot be brought outside because of clandestine action taken by the respondents.

Learned counsel for the respondents has submitted before this Court that the issue regarding ownership of this property is already pending adjudication before the appellate Court. He submits that the petition filed by the petitioner under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971, has already been decided against him and eviction order has also been passed. Learned counsel for the respondents has also placed on record the photographs wherein it has been shown that massive renovation work of this passage is being carried out. He has submitted that in the present situation, as the passage of entry is being renovated, there cannot be any entry till the renovation work is completed. Mr.Sachin Chopra, Assistant Divisional Engineer, Pathankot & Mr.Pritam Chand Mankotia, Chief Office Superintendent, ADEN Office, Pathankot, the Officers who are present in Court have submitted that as per opinion of the technical experts the renovation work would take at least 28 days for resuming the work as the same would be functional only after 28 days.

In view of the above, it is apparent that in the peculiar facts and circumstances of the case, the entry of any vehicle in the premises is not possible as per the opinion of the technical experts, as the renovation work would suffer seriously. However, learned senior counsel has submitted that

the petitioner has been intentionally victimized as he is unable to take its buses inside.

Thus in the considered opinion of this Court, for redressal of the grievances of the petitioner, appellate Court is directed to decide the appeal expeditiously preferably within one month from the date already fixed before it for arguments. Status quo regarding possession would be maintained till the decision of the appeal by the appellate Court. However, if it comes to the notice of the Presiding Officer that petitioner is intentionally delaying the hearing of the appeal, he would be at liberty to proceed with the hearing of the case and the status quo granted by this Court, in such eventuality, would be deemed to be vacated.

Disposed of accordingly.

February 01, 2024
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(RAJESH BHARDWAJ)
JUDGE

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| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |