

2024:PHHC:171241



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

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**CWP No.34722 OF 2024
DATE OF DECISION: 19.12.2024**

HARISH KUMAR

..PETITIONER

VS.

**MAHARISHI DAYANAND UNIVERSITY, ..RESPONDENTS
ROHTAK AND OTHERS**

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. R.S. Randhawa, Advocate
Mr. Anuj Chauhan, Advocate and
Ms. Tarranum Madan, Advocate
for the petitioner.

HARSH BUNGER, J.(ORAL)

Prayer in the present writ petition filed under Article 226/227 of the Constitution of India, is for issuance of a writ in the nature of Certiorari for setting aside of the order dated 24.10.2024 (Annexure P-12) passed by learned Collector, Sub-Division, Rohtak whereby application under Sections 4 and 7 of the Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972, filed by respondent No.1-University has been allowed and the petitioner has been ordered to be evicted from the premises in question.

1.1 A further prayer has been made for setting aside an order dated 20.11.2024(Annexure P-14) whereby the appeal preferred by the petitioner against the Collector's Order was dismissed.

2. Learned counsel for the petitioner submits that initially the premises in question were leased out to the petitioner for a period of three years in the year 2010 in pursuance to an open auction conducted by the respondent-University, wherein, the petitioner was the highest bidder. It is submitted that thereafter, the lease in favour of the petitioner has been extended from time to time at an enhanced rent. However, the last extension of lease was done vide letter dated 28.12.2021 (Annexure P-15), the relevant portion thereof reads as under:-

“You were allotted Photostat shop at Students Activity Centre on 05.08.2010 for a period of 03 years in terms of License deed. The period was further extended upto 25.11.2019 and after considering your request, same was again extended for another year upto 25.11.2020 and it has already expired. Due to COVID-19, the shop remained closed w.e.f. 23.03.2020 to till date (for 8 months 2 days during extending validity period).

Now, the whole matter has been examined and considered by the University authorities and it has been decided that you are allowed to open and retain your shop for 08 months 2 days i.e. upto 29.08.2022. Strictly following all the SOPs prescribed by the State Government and are required to strictly adhere to the Corona Virus related protocol as prescribed from time to time by the Haryana State Disaster Management Authority. You are requested to submit an undertaking to this effect immediately.”

3. Learned counsel for the petitioner further submits that apart from the fact that the said eviction order has already been passed against the petitioner, the petitioner has also been debarred from participating in the auction, to be conducted by the respondent-University for leasing out the shops including the shop, in question. It is submitted that the petitioner would not press the present petition as regards the eviction against him. However, he may be permitted to participate in the auction of the shops including the shop in question and till the time the process of auction is completed, he may be permitted to retain the possession of shop subject to payment of rent as being already paid by him.

4. Notice of motion.

5. Mr. A.S. Virk, Advocate (who has appeared through video conferencing) accepts notice on behalf of respondent No.1-University.

6. Learned counsel appearing on behalf of the respondent-University submits that they have no objection to the aforesaid proposal made by the counsel for the petitioner. It is submitted that the petitioner can participate in the auction for the shops including the shop in question and he may continue in possession of the said shop till the time of conclusion of the auction proceedings subject to the petitioner giving an undertaking, that in case he remains unsuccessful in the auction process, he would hand over the peaceful vacant possession of the shop in question to respondent No.1-University within a period of one week from the date of culmination of the

auction proceedings.

7. Learned counsel appearing for the petitioner submits that he has no objection to the statement made above on behalf of respondent No.1-University.

8. In view of the aforesaid submissions made by the learned counsel for the respective parties, the present writ petition is dismissed as not pressed as regards the eviction orders are concerned. However, the petitioner would be entitled to participate in auction scheduled or to be scheduled by respondent No.1-University for leasing out shops in question and in the meanwhile, the petitioner would continue to remain in possession of the shop in question till the time the auction proceedings in respect of the shop in question are finally concluded; subject to the undertaking being given by the petitioner within a period of one week from today to respondent No.1-University, that in case he remain unsuccessful in the auction proceedings, he will hand over the vacant and peaceful possession of the shop in question to respondent No.1-University within a period of one week from the conclusion of the auction proceedings.

9. Disposed of accordingly.

December 19, 2024
Poonam Sharma

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No