



**CM-3045-CWP-2026 in/and  
CWP-38808-2025 (O&M)**

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

**267+114**

**CM-3045-CWP-2026 in/and  
CWP-38808-2025 (O&M)  
Date of decision: 27.02.2026**

**Babu Lal and another**

....Petitioners

Vs.

**State of Haryana and others**

....Respondents

**CORAM : HON'BLE MR. JUSTICE HARSH BUNGER**

Present: Mr. B.K. Bagri, Advocate  
for the applicants/petitioners.

Mr. Abhimanyu Antil, DAG, Haryana.

Mr. Sharad Aggarwal, Advocate  
for respondent No.4.

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**HARSH BUNGER J. (Oral)**

**CM-3045-CWP-2026 in/and CWP-38808-2025:**

1 Prayer in this writ petition filed under Articles 226/227 of Constitution of India, inter alia, is for issuance of a writ in the nature of certiorari for setting aside order dated 20.02.2023 (Annexure P-12), passed by learned Collector, Bawal (in short 'Collector') in proceedings under Sections 4, 5 and 7 of Haryana Public Premises and Land (Eviction and Rent Recovery) Act, 1972 (in short '1972 Act'), whereby petitioners have been ordered to be evicted from shop in question i.e. Shop No. 24/255, situated at Pranpura Road, Bawal, on account of non payment of rent, GST, service tax etc.



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1.1 A further prayer has been made for setting aside order dated 13.08.2025 (Annexure P-19), passed by learned Commissioner, Gurugram Division, Gurugram (in short 'Divisional Commissioner'), whereby an appeal filed by petitioners against eviction order dated 20.02.2023 (Annexure P-12), has also been dismissed.

2. A perusal of the order sheets would show that on 24.12.2025, this Court passed an order, the relevant extract of which reads as under:-

*“2. Learned counsel for petitioners, inter alia, submits that petitioners have been evicted from shop in question primarily on account of non payment of rent, GST, service tax etc. He submits that due to certain financial constraints, petitioners were unable to pay the rent timely although, rent is being enhanced periodically as per terms and conditions settled between the parties. He next submits that petitioners are ready to clear all the arrears of rent and in order to show their bonafide, they got prepared a demand draft No. 005536, dated 16.12.2025, of HDFC Bank, Bawal Branch, for an amount of Rs. 6,00,000/-, in favour of Secretary, Municipal Committee (a photocopy of which has been attached with this writ petition as Annexure P-18). He further submits that petitioners would pay balance arrears within a period of three months in three equal installments, payable per month. He still further submits that in future, petitioners would pay advance rent for three months, starting from January, 2026 onwards and in case of single default, petitioners shall vacate the premises on their own.*

3. Notice of motion.

4. At this stage, Mr. Abhimanyu Antil, DAG Haryana appears and accepts notice on behalf of respondents No. 1 to 3.

5. Mr. Sharad Aggarwal, Advocate appears and files Memo of Appearance on behalf of respondent No. 4 in Court today



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*itself, which is taken on record subject to all just exceptions. He points out that presently, there are total arrears of Rs. 15,85,009/-, which are payable by the petitioners. He, on instructions from Mr. Anil Kumar, Secretary, Municipal Committee, Bawal, submits that in case, petitioners clear all the arrears in the manner (as indicated above) and also undertake to pay the future rent in advance for three months, in that eventuality, petitioners can be permitted to continue with the tenancy of shop in question.*

6. *Keeping in view the above, let petitioners file an affidavit, undertaking that they (petitioners) would clear entire arrears of rent, amounting to Rs. 15,85,009/-, by depositing the demand draft No. 005536 dated 16.12.2025, prepared by HDFC Bank, Bawal Branch, for an amount of Rs. 6,00,000/- (a photocopy of which has been attached with this writ petition as Annexure P-18) with Secretary, Municipal Committee, Bawal, within a period of one week from today and to pay the balance amount by depositing three post dated cheques (PDCs) for an amount of Rs. 3,00,000/-, payable on 30.01.2026; another post dated cheque of Rs. 3,00,000/-, payable on 28.02.2026 and third post dated cheque of Rs. 4,00,000/-, payable on 30.03.2026, alongwith the undertaking that petitioners would pay advance rent for three months, starting from first week of January, 2026 and in case of single default, petitioners would vacate the premises without raising any dispute any further.*

7. *List for further consideration on 09.01.2026.*

8. *In the meanwhile, let above referred affidavit be filed by petitioners and an amount of Rs. 6,00,000/- by way of demand draft No. 005536, dated 16.12.2025, prepared by HDFC Bank, Bawal Branch, be deposited by petitioners with Secretary, Municipal Committee, Bawal, within a period of one week from today. In case, petitioners deposit aforesaid demand draft of Rs.*



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*6,00,000/-, as noticed above, proceedings in pursuance to eviction order passed against them be deferred till next date of hearing.”*

3. Today, along with the aforesaid writ petition, one application bearing **CM No.3045 of 2026** has been listed, wherein prayer has been made for extension of time till October 2026 for compliance of the aforesaid order dated 24.12.2025.

3.1 The relevant extract of the application bearing **CM No.3045 of 2026**, reads as under:-

*“3. That the present petitioners are belong to poor family all family are dependent upon labour work and livestock (Maveshi) they are unable to arrange the money directed by the Hon'ble High Court in order dated 24.12.2025.*

*4. That the Petitioners are ready and willing to comply with the directions of this Hon'ble Court, and only seek a reasonable extension of time till October 2026 to fulfill the same. That object of the judicial process is to render substantial justice, and minor procedural lapses should not result in harsh consequences. That the refusal to grant extension may defeat the very purpose of the appeal pending before this Hon'ble Court.*

*5. That the petitioners is ready to give undertaking to deposit entire balance amount in one installment on in month of October 2026. Therefore, the appellant is filing the present application for extension of time.*

*6. That the delay in depositing the amount is neither intentional nor wilful but due to the above said reason.”*

4. From the perusal of the contents of the above-extracted application seeking extension of time, it is evident that the



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applicants/petitioners have not complied with the order dated 24.12.2025. Apparently, the above-extracted order dated 24.12.2025 was passed by duly taking into consideration the stand taken by learned counsel for the petitioners, wherein he had expressed his willingness to clear all the arrears of rent with a further stand that in future they shall pay the advance rent for three months staring from January, 2026 onwards and in case of single default, petitioners shall vacate the premises on their own.

5. Since, the applicants/petitioners have failed to comply with the order dated 24.12.2025, which was primarily based upon the stand taken by learned counsel for the petitioners (as noticed in para No.2 of the order dated 24.12.2025), I see no justification in granting any extension of time. It appears that the petitioners had taken a false stand before this Court by expressing their willingness to clear the arrears of rent, although, they had no real intention to do so.

6. I am of the view that no indulgence is required to be extended to such litigants, who do not come to the Court with clean hands, clean mind and clean heart; consequentially, instant writ petition bearing **CWP No.38808 of 2025** as well as instant application bearing **CM No.3045 of 2026** are accordingly dismissed.

7. All the pending application(s), if any, shall also stand closed.

**(HARSH BUNGER)**  
**JUDGE**

**27.02.2026**  
*ankit*

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