

(2012) 05 P&H CK 0078
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 10292 of 2012

Jagdish Singh and others

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 28-05-2012

Acts Referred:

Citation : (2012) 05 P&H CK 0078

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : R.S. Pandher, for the Appellant;

Final Decision : Dismissed

Judgement

K. Kannan, J.—The petitioners are in challenge before this Court to question the vires of the order passed by the authorities under the Public Premises and Land (Eviction and Rent Recovery) Act, 1973. All the petitioners are admittedly in possession and they claim that by the long enjoyment they have obtained a right of consideration for allotment of these properties by transfer/assignment from government in terms of the policy considerations of the State. The petitioners' claim has been rejected on the ground that the property is notified as forest property in Punjab Government Notification No. 3059 FT/158/1939 dated 24.6.1958. If there is forest property the question of transfer/reassignment does not arise unless the government decides to de-notify the property or makes it fit to assignment even for persons in unlawful possession. It is essentially a matter of policy whether a particular property be de-notified or assigned or the petitioners should be given any alternative allotments in respect of properties held by them for several years as claimed by them. If the order of the authorities are seen from the context of government notification, it admits of no ambiguity that the persons in possession are prima facie in unlawful possession and therefore liable to be ejected under the relevant provisions of the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973. There is no error in the order passed by the authority which is liable for interference through the writ

petition. The challenge must fail and the writ petition is dismissed.