
(1993) 11 P&H CK 0101
In the Punjab And Haryana At Chandigarh
Case No : C.W. No. 10624 of 1989

Parmanand Prop. H.P. Electronics

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 16-11-1993

Acts Referred:

Citation : (1994) 108 PLR 506

Hon'ble Judges : R.P. Sethi, J;H.S. Bedi, J

Bench : Division Bench

Judgement

R.P. Sethi, J.—The petitioner who has allegedly converted his residential premises for commercial purposes has approached this court for the issuance of appropriate directions against the respondents restraining them from evicting him from the premises which he claims to be lawfully occupying. It is submitted that the petitioner being a small shopkeeper has been inducted into the premises by his landlord and that his eviction is sought without issuance of any notice to him. He is apprehensive that he may be evicted from the premises without service of notice or adopting due course of law.

2. In similar circumstances, this court while deciding civil writ petition No. 9383 of 1988 (Surat Singh v. State of Haryana and Ors.), on 25.1.1990 held that:

"...The point urged by their counsel Mr. Jawahar Lal Gupta being that not only the owner, but also the tenant of a building in respect of which an order of resumption is sought to be passed, is entitled to be heard. This is indeed in accordance with settled law. It has been so laid down by the Full Bench of our Court in Brij Mohan v. Chief Administrator and Ors. 1980 P.L.R. 621, where in dealing with resumption u/s 8-A of the Capital of Punjab (Development and Regulation) Act, 1952, it was held that as the proposed order of resumption bid the dual consequence of depriving the owners of the right of ownership in the land or building and also the occupant of his possession over such sites or building, both the owner as also the tenant in actual possession of such site or building, would be affected by the order and thus entitled to be heard before an order of

resumption is passed."

3. There is no material on the record to show that notice of resumption was ever served upon the petitioner. In the absence of the notice of resumption, respondents are not entitled to evict him from the premises under his occupation.

4. In view of what has been stated herein above, this petition is disposed of with a direction that the petitioner shall not be evicted from the premises under his occupation without adopting due course of law and service of notice as has been held by this Court in Surat Singh's case (supra).