
(2014) 05 P&H CK 0338
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 19579 of 2013 (O&M)

Ram Murti

APPELLANT

Vs

Deputy Commissioner

RESPONDENT

Date of Decision : 19-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0338

Hon'ble Judges : Rajan Gupta, J

Bench : Single Bench

Advocate : Ashok Singla, Advocate and Mr. Aakash Singla, Advocate for the Appellant; Suresh Singla, Addl. A.G., Punjab and Mr. Sandeep Khunger, Advocate for Respondent No. 3, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Rajan Gupta, J.—Petitioner has sought a writ in the nature of certiorari seeking quashing of orders dated 18.01.2011 and 18.07.2013, Annexures P-6 and P-7 respectively.

2. Petitioner has preferred instant writ petition seeking quashing of orders whereby eviction from premises in question has been ordered. Stand of the petitioner before this court is that he is in lawful possession of the property. According to him, Improvement Trust preferred eviction petition against Surinder Kaur and Harnek Singh though it had no right to do so. Eviction petition by the Trust in respect of the property which belonged to Wakf Board was misconceived. Authorities below gravely erred in directing eviction of occupants from the premises. Both the orders being unsustainable, deserve to be set-aside. He has also referred to proceedings in the civil suit preferred by one Bhupinder Singh in which decree dated 13.11.1995 was passed.

3. Plea of the petitioner has been resisted by counsel appearing for the respondent Trust. According to him, land in question was acquired by the Trust vide notification dated 29.7.1976. A supplementary award was also passed in

respect of the land on 13.5.1986. According to him, petitioner has no locus standi to file the present petition. Eviction order was passed against Surinder Kaur and Harnek Singh. There is nothing to show that petitioner derives any right from either of them. Besides, possession of the property was taken by the Land Acquisition Collector on 26.8.1986.

4. I have heard learned counsel for the parties and given careful thought to the facts of the case.

5. Main plea raised by the petitioner is that Improvement Trust had no right to file eviction petition in respect of the premises. Out of land measuring 01 Kanal 04 Marlas, 10 Marlas had been released from acquisition by the Trust because of a Takia. Said land, thus, belongs to Wakf Board. Same was never acquired by the Trust. It had no right to seek possession thereof I have considered contentions of the petitioner. His locus standi to file instant petition is in serious doubt. Eviction proceedings were initiated by the Trust against Surinder Kaur and Harnek Singh. Eviction order was passed on 18.01.2011 and was upheld vide order dated 18.7.2013, passed by the Commissioner. Orders were never challenged by Surinder Kaur or Harnek Singh, thus, attained finality. Petitioner was not a party to proceedings under the Public Premises Act. He has no concern with the property. Besides, stand of official respondents is that property was acquired by the Trust and compensation was paid to the Wakf Board after supplementary award was passed. It had, thus, rightly instituted the eviction proceedings to evict unauthorized occupants from the premises. It appears, various persons, who have not been able to establish any right/title, have been instituting proceedings to retain possession of property in question. A civil suit was filed by one Bhupinder Singh, wherein a direction was given not to evict him except in due course of law. The issue came up to this court in RSA No. 1004 of 2002. This court upheld the finding that plaintiff be not dispossessed except in due course of law. Respondent Trust instituted proceedings under the Public Premises Act and proved its case beyond doubt. Resultantly, unauthorized occupants were directed to be evicted. I find no infirmity with the orders passed. There is no ground to interfere in writ jurisdiction. Dismissed. Needless to observe that pursuant to eviction orders Annexures P-6 and P-7, the authorities shall be at liberty to evict persons in unauthorized occupation of the premises.

6. A copy of this order be forwarded to the Deputy Commissioner, Kapurthala.