
(1998) 09 P&H CK 0023

High Court Of Punjab And Haryana At Chandigarh

Case No: Civil Writ Petition No. 40 of 1992

State of Haryana

APPELLANT

Vs

Land Acquisition Officer

RESPONDENT

Date of Decision: Sept. 28, 1998

Acts Referred:

- Public Premises (Eviction of Unauthorised Occupants) Act, 1971 - Section 5

Citation: (1999) 121 PLR 611 : (1999) 1 RCR(Civil) 248

Hon'ble Judges: Iqbal Singh, J; G.S. Singhvi, J

Bench: Division Bench

Advocate: Jaswant Singh, D.A.G, for the Appellant; Ashok Aggarwal and Alok Jain, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

G.S. Singhvi, J.

This petition has been filed for quashing the judgment dated 12.10.1991 passed by the District Judge, Chandigarh, confirming the order of ejectment passed by the Estate Officer u/s 5 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

2. When the case was taken up for hearing on September 11, 1998, the learned Deputy Advocate General, Haryana, sought an adjournment for seeking instructions from the petitioners about their intention to vacate the misuse of the premises. On September 21, 1998, the learned Deputy Advocate General, stated that he has received the instructions from the department to make a statement that misuse of the premises will be vacated by the Government within a period of one year. Today, the learned Deputy Advocate General, has filed an affidavit of Shri Raj Rup Phuliya, Joint Secretary, Government of Haryana, Mines and Geology Department, in which an express undertaking has been given by the Government to vacate the House No. 3058, Sector 20-D, Chandigarh, where Chemical Laboratory of Mines and Geology

department is presently running. The affidavit of Shri Raj Rup Phuliya is taken on record.

3. In view of the undertaking given by the Government it is not necessary to make an adjudication on the legality of the impugned judgment and it is sufficient to dispose of the writ petition with the direction that in terms of the undertaking furnished today in the Court, the petitioners shall vacate the mis-use of the house on or before September 27, 1999. In that event the order of ejectment passed by the competent authority and the judgment of the learned District Judge, Chandigarh shall become inoperative, else the order of resumption and ejectment shall become operative and the respondents shall be free to take appropriate action for securing possession of the property. In that event the respondents shall also be free to make an application for initiation of appropriate proceedings for breach of undertaking.

4. The writ petition is disposed of in the manner indicated above.