

2025:PHHC:114971



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

CWP-1852-2025 (O&M)
Date of decision :27.08.2025

RAJINDER SINGH

...Petitioner

Versus

BHAKHRA BEAS MANAGEMENT BOARD (BBMB)
AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Jaideep Verma, Advocate
for the petitioner.

Mr. Nirmaljit Singh Diwana, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

CM-11890-CWP-2025

This is an application for restoration of the main case, which was dismissed for non-prosecution vide order dated 27.05.2025.

For the reasons stated in the application, the same is allowed.

CWP-1852-2025 is restored to its original number.

On oral request of learned counsel for the applicant-petitioner, the main case i.e. ***CWP-1852-2025*** is taken up on Board today itself.

CWP-1852-2025 (O&M)

1. Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for setting aside the order dated 26.11.2019 (Annexure P-12) passed by the learned Estate Officer, Irrigation and Power Wing, BBMB

Nangal Township, Tehsil Nangal, District Rupnagar directing eviction of the present petitioner from the demised premises.

1.2 A further prayer has been made for setting aside the judgment dated 13.08.2024 (Annexure P-15) passed by the learned Additional District Judge, Rupnagar; whereby, an appeal preferred by the petitioner against the eviction order dated 26.11.2019 (Annexure P-12) has been dismissed.

2. Succinctly, the petitioner is challenging the eviction orders passed against him in respect of property i.e. land/plot No.7, opposite Mahavir Market, situated near FF Block, Nangal Township, measuring 319 sq. ft.

2.1 The only argument raised by learned counsel for the petitioner is that the said property is not owned by respondent No.1-Bhakhra Beas Management Board (for short 'the BBMB') and therefore, the eviction proceedings initiated at their instance are bad in law and hence, the impugned eviction orders are liable to be set aside.

3. I have considered the afore-said contention raised on behalf of learned counsel for the petitioner and perused the paper book with his able assistance.

4. Evidently, the petitioner has been ordered to be evicted from the afore-said premises by the learned Estate Officer, vide order dated 26.11.2019 (Annexure P-12), by observing as under :-

“Application/plaint before me is to decide whether the possession of the respondent(s) over the disputed plot is legal or illegal? I have gone through the case file minutely and found that the premises, measuring 319 Sq. ft. under dispute has been encroached in an unauthorized/illegal manner by the respondent and the same is under the physical possession of Sh. Rajinder Singh son of Sh. Bakshi Ram. Though, the

respondent has shown willingness to enter into fresh lease agreement as per the policy as laid down by the Bhakra Beas Management Board and the consent has also been given by the department, but the respondent failed to deposit security money demanded by the plaintiff to initiate the proceedings of lease agreements. Case file also reveals that Sh. Rajinder Singh son of Sh. Bakshi Ram had filed Civil Suit No.132 of dated 09.05.1998 in the court of Ld. Civil Judge Sr. Division Ropar i.e. Suit for Permanent Injunction, which was decided on 06.11.2000. Ld. Civil Judge, Sr. Division Ropar, while deciding the case, had restrained the BBMB not to dispossess the plaintiff illegally and forcibly from the suit property. However, as per the decision of the court, there is no bar on the Defendant to dispossess the plaintiff from the suit property by following/adopting due procedure of law.

The Public Premises Act is a special Act enacted with a view to evict unauthorized occupants from Public Premises. The said Act is self-contained Act containing the procedure to be followed in deciding the case. The respondent has encroached of the said land in an unauthorized/illegal manner without the previous consent/approval of the department and hence he is trespasser of the said public premises. Under these circumstances, the benefit of the policy of 1995 or any policy can not be granted to the respondent. Because any person after encroaching of the Govt. land will ask to give the benefit of the policy framed by the BBMB 1995 and shall further encourage other people to encroach the Govt. land in an unauthorized/illegal manner. Hence, such occupants have no right to claim the benefit of the welfare policies of the Govt.

Admittedly, the BBMB is the creation of the Punjab Re-organization Act, 1966 and is an organ of the states and the plot in dispute is owned, managed, controlled and administered by the BBMB is obviously a public premises, which has further been confirmed and decided by the Govt. of India, while disposing of the observations, with regard to title of land under BBMB, raised by the Hon'ble Punjab &

Haryana High Court, Chandigarh in its order dated 23.04.2013 in respect of CWP No.13690/1994 Title as Piare Lal v/s BBMB and others. Therefore, the provisions of the Act are rightly and legally applicable to the plot in dispute. Thus, moreover, there remains no dispute with regard to the title of the land under dispute, as the land under dispute is controlled, managed and administered by the BBMB. The affidavit dated 22.04.2003 of the respondent showing readiness and willingness to execute of the lease with BBMB establish the contention of the plaintiff that respondent is illegal occupant of Government plot/land.

In view of my foregoing discussions, I A.K. Sharma in exercise of the powers conferred upon me under section 5(1) of PP Act 1971 order the respondent and all other persons, who may be in occupation of the premises in question or any part thereof to vacate the said land within 15 days of the publication of the order and remove the material there from within the said period. Further in exercise the powers conferred upon me under section 7(2) of PP Act 1971, I further order the respondent to make the payment of Rs.1,03,320.00 due upto 31.12.2000 within a period 15 days of the publication of the order to the Executive Engineer, BC & Township Division, BBMB, Nangal, which will further accrue @ Rs.3,444/- Per month subject to revision of rates from time to time as per the policy of the department, till final vacation of the premises in question or eviction therefrom for use of public premises in an unauthorized manner.”

5. A further appeal filed by the petitioner has been dismissed by the learned Additional District Judge, Rupnagar vide impugned order dated 13.08.2024 (Annexure P-15), by observing as under :-

“24. The finding recorded by the Estate Officer, in the impugned order, in the considered opinion of this Court, are valid. Rajinder Singh appellant herein, on the one hand, is challenging that BBMB is not owner of the plot in dispute and in the Trial Court file, there is affidavit of Rajinder Singh

dated 22.04.2003, where he has stated that he is ready and willing to get lease of disputed plot in his favour. Keeping in view this affidavit of Rajinder Singh, it does not lie in the mouth of appellant Rajinder Singh to now contend before this Court that BBMB is not the owner. Further, Rajinder Singh appellant herein, has not claimed any independent title on the basis of any cogent document. The plea has been taken in the reply filed by Rajinder Singh that he is in possession since 1964 as his father had taken property from Bhagwan Dass but no document of title has been produced.

25. As regards the application filed by the appellant Rajinder Singh seeking permission to lead additional evidence, the same is not liable to be allowed as all the documents sought to produced, were in the knowledge of the appellant and were in his possession. The application for additional evidence was filed by the appellant before the Estate Officer, which was dismissed. In the considered opinion of this Court, the application for additional evidence, filed in the present appeal, does not deserve to be allowed at this stage. As regards the law laid down in the rulings cited supra by the Learned Counsel for the appellant, the same are not in dispute but the facts of the said rulings do not apply to the facts of this case.

26. In view of the foregoing discussion, impugned order dated 26.11.2019 passed by the Estate Officer does not deserve to be interfered at the hands of this Court. Therefore, the instant appeal filed by the appellant fails and does not deserve to be allowed and is accordingly dismissed with costs. The impugned order dated 26.11.2019 is hereby upheld accordingly. Memo of costs be prepared accordingly.”

5.1 A perusal of the above extracted order passed by the authorities below would show that a categorical finding has been returned by the authorities under the Public Premises Act that on one hand, the petitioner is challenging the ownership of plot in dispute by saying that the same is not owned by the BBMB and on the other hand, there was an

affidavit dated 22.04.2003 of petitioner-Rajinder Singh; wherein he had stated that he was ready and willing to get the lease of the disputed plot in his favour. Accordingly, it has been found that in view of the afore-said stand taken by the petitioner-Rajinder Singh in his affidavit, it does not lie in his mouth to say that the BBMB is not the owner of the demised premises. That apart, it has further been observed that the petitioner-Rajinder Singh, has not claimed any independent title on the basis of any valid document nor any document has been shown in respect of the plea raised by Sh. Rajinder Singh that his father had taken the property from Bhagwan Dass.

6. Learned counsel for the petitioner has failed to dislodge the afore-said findings/observations made by the authorities below.

7. In this view of the matter, I find no compelling reason to interfere in the impugned orders. Resultantly, the instant writ petition fails and the same is, accordingly, dismissed.

8. All pending applications (if any) shall also stand closed.

August 27, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No