

LPA-203-2025 (O&M)

2025:PHHC:082692-DB



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

**LPA-203-2025 (O&M)
Date of decision: 09.07.2025**

DHARAM PAL

..... Appellant(s)

Versus

STATE OF PUNJAB AND OTHERS

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Arshit Goel, Advocate
for appellant.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 30.09.2024, passed by learned Single Bench, whereby CWP-25110-2024, filed by appellant/writ petitioner has been dismissed.

2. Brief facts necessary for adjudication of the matter are that appellant-writ petitioner file CWP-25110-2024 for setting aside order dated 26.12.2019, passed by Sub Divisional Magistrate-cum-Collector, Jalandhar-1, whereby application under Sections 4, 5 and 7 of Punjab Public Premises & Land (Eviction & Rent Recovery) Act, 1973 (for short 1973 Act) filed by Municipal Corporation, Jalandhar, was allowed. Appellant also sought setting aside of order dated 16.02.2021, passed by Deputy Commissioner, Jalandhar, dismissing the appeal filed by present appellant.

3. Application under Sections 4, 5 and 7 of 1973 Act was filed by Municipal Corporation, Jalandhar, seeking ejection of appellant from the

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shop measuring 186 square feet, situated at Burlton Park, Jalandhar and recovery of ₹10,31,808/- as arrears of damages for use and occupation charges of the premises in question upto 31.03.2015 alongwith future damages w.e.f. 01.04.2015 till the date of actual eviction. Appellant contested the proceedings on the premise that he had handed over vacant possession of shop in question to Municipal Corporation in 1989 itself and that this shop was in possession of one Ram Chander son of Bhagwan Dass and Pawan Kumar son of Diwan Chand. He also sought impleadment of said parties. Sub Divisional Magistrate-cum-Collector, Jalandhar-1, vide order dated 26.12.2019 allowed the eviction petition and directed the petitioner to vacate the premises and Municipal Corporation was granted liberty to initiate proceedings for recovery of rent under Section 14 of 1973 Act. Appeal filed by appellant challenging order dated 26.12.2019 was dismissed by Deputy Commissioner-cum-Collector, Jalandhar (exercising powers of Commissioner under 1973 Act) on 16.02.2021. Aggrieved therefrom CWP-25110-2024 was filed.

4. Learned Single Bench on considering the facts and circumstances of the case dismissed the writ petition vide impugned order dated 30.09.2024 on the premise that there was unexplained delay in filing of writ petition which was not explained. It was observed that appellant's appeal challenging eviction order dated 26.12.2019 was dismissed by appellate authority on 16.02.2021 while the writ petition was filed on 24.09.2024 and that no reason whatsoever was forthcoming for the delay. Aggrieved therefrom present appeal has been filed.

5. Learned counsel for appellants vehemently argued that learned Single Bench has not considered the controversy in its correct prospective and has thus grossly erred in law and on facts while dismissing CWP-25110-2024, filed by appellant. Appellant is an old man aged about 84 years and was suffering from various medical ailments. After passing of impugned order

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dated 16.02.2021, complete case file of learned lower Courts was misplaced by the appellant and could not be traced due to his old age. When case files were traced out, appeal was immediately filed. Moreover, condonation of delay shall not cause any prejudice to respondent no.4. Lease deed of shop in dispute had never been extended and appellant alongwith his entire family had shifted to Delhi, which can be gleaned from copies of Ration Card, Bank Saving Account, Voter I.D. Card, Passport etc. Impugned orders, it is further submitted have been passed in a mechanical manner without appreciating contentions raised on behalf of petitioner. It is thus prayed that impugned orders be set aside and present appeal allowed, with the writ petition being allowed as prayed for.

6. We heard learned counsel for appellant and have perused the file carefully. It is a matter of record that ejection of petitioner from the shop in question was ordered vide impugned order dated 26.12.2019 on an application under the 1973 Act being filed. Recovery of ₹10,31,808/- alongwith future damages w.e.f. 01.04.2015 were also directed. Admittedly, appellant in said eviction proceedings had contested the same on the ground that he had already vacated the shop in 1989 and possession was with two other persons as named in the foregoing paras. SDM-cum-Collector, Jalandhar vide order dated 26.12.2019 found no merit in the pleas as raised. Reference was made to the statement of present appellant to the effect that he had not handed over the said shop with a writing to anybody and lease had never been extended. It is noted by the SDM-cum-Collector, Jalandhar in the said order that previously a plot measuring 10 feet x 14 feet was given to present appellant from 01.12.1978 to 30.11.1981. Thereafter, lease was extended from time to time for a period of three years with enhancement of rent as well as per government instructions and same was extended for the last time from 30.11.1996 to 29.11.1999. It is in these circumstances that appellant was directed to vacate

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the premises immediately on receipt of copy of order dated 26.12.2019. His appeal challenging order dated 26.12.2019 was also dismissed by Deputy Commissioner, Jalandhar, exercising the powers of Commissioner.

7. It is to be noted that writ petition challenging order dated 26.12.2019 was filed on 24.09.2024 without any kind of explanation therein for the delay in filing thereof. Though, a bald statement has been made that possession of shop was handed over by petitioner to officials of Municipal Corporation, Jalandhar, there is indeed no material on record which has been pointed to by learned counsel for appellant to indicate such handing over of vacant possession. He is unable to point out any document whatsoever in this regard or of the premises being given to Ramesh Chander son of Bhagwan Dass or Pawan Kumar son of Diwan Chand by Municipal Corporation. Furthermore, learned counsel is unable to point out any ground leave alone a reasonable ground to explain the delay of over three years in filing the writ petition. It is specifically noted by learned Single Bench in this regard as under:-

“5. During the course of the hearing, a pointed query was raised to the learned counsel appearing for the petitioner as regards the reason for the delay in filing the instant writ petition, however, no explanation is forthcoming and neither any reasoning has been given in the entire body of the writ petition. The petitioner did not invoke any legal remedy for three years after the cause of action arose upon dismissal of his appeal, vide order dated 16.02.2021 (Annexure P-6). The inaction on the part of the petitioner for more than three years has to be addressed first before his claim can be considered.”

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8. Learned Single Bench has correctly placed reliance upon the judgment of Hon'ble the Supreme Court in *Delhi Administration Vs. Kaushilya Thakur (2012) 5 SCC 412* and *Chennai Metropolitan Water Supply and Sewerage Board Vs. T.T. Murati Murali Babu, 2014(4) SCC 1088*, to hold that writ petition is hit by delay and laches. Doubtlessly, there is no limitation for filing a writ petition but it is a settled position that the writ petition should be filed within a reasonable time. Gainful reference in this regard can also be made to judgment of Hon'ble the Supreme Court in *Bichitrananda Behera Vs. State of Orissa and others 2023 AIR (SCC) 5064*. In the present case, admittedly no explanation for such delay is coming forth.

9. Learned counsel for appellant is unable to point out any infirmity, irregularity or perversity in the impugned order dated 30.09.2024, passed by learned Single Bench, which is accordingly upheld.

10. No other argument was addressed.

11. Keeping in view the facts and circumstances as above, this appeal is accordingly dismissed with no order as to cost.

12. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

09.07.2025
Sunil

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No