



**LPA-389-2016 (O&M)
& other connected cases**

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

204 (12 cases)

**LPA-389-2016 (O&M)
Date of Decision :15.09.2025**

Tarlok Singh

..Appellant

Versus

**Station Headquarters, Ferozpur Cantt.
and others**

...Respondents

LPA-390-2016 (O&M)

Balbir Singh

..Appellant

Versus

**Station Headquarters, Ferozpur Cantt.
and others**

...Respondents

LPA-391-2016 (O&M)

Dashmesh Singh

..Appellant

Versus

**Station Headquarters, Ferozpur Cantt.
and others**

...Respondents

LPA-392-2016 (O&M)

Susan

..Appellant



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Bimla

..Appellant

Versus

**Station Headquarters, Ferozpur Cantt.
and others**

...Respondents

LPA-400-2016 (O&M)

Laxmi Devi (deceased) through Lrs

..Appellant

Versus

**Station Headquarters, Ferozpur Cantt.
and others**

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Anmol Rattan Singh Dhillon, Advocate for appellant(s).

Mr. Arun Gosain, Sr. Panel Counsel for respondent-UOI.

Harsimran Singh Sethi, J. (Oral)

1. Present bunch of twelve appeals has been filed challenging the order dated 29.10.2015 passed by the learned Single Judge of this Court in CWP-10959-2014 (being main petition) along with connected cases by which, the prayer of the petitioners, who are respondents herein for setting aside the order dated 19.12.2013 (Annexure P/1) passed by the learned Additional District Judge, Ferozpur whereby, order dated 15.03.2013 (Annexure P/9) passed by the Estate Officer, Station Headquarter, Ferozpur



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Cantt. was set aside and application seeking eviction of the appellants herein from the land belonging to the defence authorities was dismissed that has been allowed herein.

2. Learned counsel for the appellants has raised only one argument that the property in question did not belong to the defence authorities but the property in dispute became evacuee property under the Administration of Evacuee Property Act, 1949 and Displaced Persons (Compensation and Rehabilitation) Act, 1954 and the same premises came into possession of Rehabilitation Department, Government of Punjab and hence, the defence authorities cannot initiate proceedings under the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (in short, '1971 Act') so as to oust the appellant(s) from the property in question.

3. Learned counsel for the appellant(s) submits that the learned Single Judge of this Court while passing the impugned order dated 29.10.2015 erred in recording the finding that the property in question belongs to the defence authorities and not to the Rehabilitation Department Government of Punjab as the Rehabilitation Department was only having occupancy rights over the said property.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that by a well reasoned judgment dated 29.10.2015 by considering all the relevant facts brought on record, a finding has been recorded by the learned Single Judge of this Court that the property in question, which is in the possession of the appellant(s) belongs to the Department of Defence, Government of India and the action taken under the



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1971 Act for eviction of the appellant(s) from the property in question is perfectly valid and legal. Learned Single Judge after appreciating the facts recorded the finding that Rehabilitation department is not the owner of the property in question and were merely having occupancy rights.

6. Further, even in the affidavit dated 21.10.2019 filed by the Tehsildar, Ferozpur, the Department of Rehabilitation, State of Punjab has conceded the fact that the property/bungalow in question belongs to the Defence Department and the Department of Rehabilitation, State of Punjab only had an occupancy right of the said land/bungalow in question.

7. Learned counsel for the appellant(s) has not been able to dispute the said fact.

8. The only argument of the learned counsel for the appellant(s) is that the owner of the property in question from which the appellant(s) are being sought to be evicted belongs to the Department of Rehabilitation, State of Punjab and not that of Department of Defence, Union of India. It is worth to note that even in this appeal, the Department of Rehabilitation, State of Punjab, filed an affidavit wherein it is conceded that the property in question belongs to the Defence Department of Government of India and not the Rehabilitation Department, Government of Punjab, which is also the finding given by the learned Single Judge of this Court in the impugned order dated 29.10.2015, hence, the said argument of the learned counsel for the appellants cannot be accepted so as to set aside the finding recorded by the learned Single Judge of this Court in impugned order dated 29.10.2015. Learned counsel for the appellants has failed to establish the fact that ownership of the property which is in the possession of the appellants



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belongs to the Rehabilitation Department, Government of Punjab.

9. Faced with this situation, learned counsel for the appellant(s) submits that a permission be given to the appellant(s) to approach the competent authority by way of filing an appropriate representation for the purchase of the property in question.

10. Learned counsel for the respondents submits that in case, any representation is received at the hands of the appellant(s), the same will be looked into and an appropriate speaking order will be passed within a period of 08 weeks from the date of receipt of any such representation.

11. Keeping in view the fact that learned counsel for the appellant(s) has failed to point out any perversity in the impugned judgment dated 29.10.2015 passed by the learned Single Judge of this Court either on the basis of facts or settled principle of law, no ground for interference by this Court is made out and all the appeals are accordingly dismissed.

12. However, as prayed for by the learned counsel for the appellant(s), in case, any representation is filed by the appellant(s) seeking purchase of the property in question within a period of two weeks from today, the respondents will be under an obligation to decide the said representation in accordance with law within a period of 08 weeks from the date of receipt of such representation as undertaken by them. Till the said representation is decided by the respondents, as the appellant(s) are already occupying the property in question under the interim order passed by this Court, the appellant(s) be allowed to occupy the property in question till any final order is passed by the authorities concerned on the representation of the appellant(s) if filed, within the time frame prescribed.



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13. Civil miscellaneous application pending, if any, is also disposed of.
14. A photocopy of this order be placed on the files of connected cases.

**(HARSIMRAN SINGH SETHI)
JUDGE**

September 15, 2025
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**(VIKAS SURI)
JUDGE**

Whether speaking/reasoned : Yes
Whether reportable : No