





**LPA No.449 of 2022 (O&M) and other connected cases**

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**GURMUKH SINGH AND OTHERS**

**.... Appellants**

**Versus**

**STATE OF PUNJAB AND OTHERS**

**.... Respondents**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MRS. JUSTICE RAMESH KUMARI**

Present : Mr.Amit Dhawan, Advocate for the appellants  
in LPA-449-2022.

Mr. Sukhjinder Singh, Advocate for  
Mr. Swarn Tiwana, Advocate the appellants in  
LPAs No.660, 661, 718 and 736 of 2022 and  
for respondent No.4 in LPA No.137 of 2024.

Mr. Mohit Saini, Advocate for Mr. Manuj Nagrath, Advocate  
for respondent No.5 in LPA No.449 of 2022.

Mr.V.K. Sandhir, Advocate for Mr. Sriansh Singh, Advocate  
for respondent No.4 in LPA No.123 of 2024.

Mr. Rahul Rampal, Addl. A.G., Punjab.

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**HARSIMRAN SINGH SETHI, J. (oral)**

1. This order shall dispose of a bunch of aforesaid seven appeals as the issue involved in these appeals are identical in nature. For the sake of brevity, facts are being taken from LPA-449-2022.

2. In the present appeal, challenge is to the order dated 09.05.2022 passed by learned Single Judge by which, the writ petition filed by the petitioners challenging the eviction proceedings initiated against them under Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short-**the Act of 1973**), was dismissed.



3. Learned counsel for the appellants submits that the land qua which the proprietorship was being claimed by the petitioners therein was treated as *mushtarka malkaan hasab rasad rakba khewat* though, the same was not being used for any common purposes and as per judgment of the Hon'ble Supreme Court of India in *Civil Appeal No.6990 of 2014* titled as *State of Haryana vs. Jai Singh and others*, decided on 16.09.2025, propriety rights of such land still vests with the proprietary body of estate and therefore, the eviction proceedings initiated against the appellants by which they got evicted, needs to be looked into again so as to ascertain that whether, the appellants can be treated as unauthorised occupants or not of the land in question as per the settled principal of law.

4. Learned counsel for the respondents has not been able to dispute the said proposition of law keeping in view the order passed by the Hon'ble Supreme Court in *Jai Singh and Others' case (supra)*. Hence, the orders which have been passed by the authority envisaged under the Act of 1973 qua eviction, are set aside and the case is remanded back to the learned Single Judge so as to decided again keeping in view the law settled in *Jai Singh and Others' case (supra)*, upon the issue that whether, the appellants are unauthorised occupants or not?

5. As the case is remanded back to the learned Single Bench and there is also an interim order in favour of the appellants, the said interim order will continue till the case is taken up by the learned Single Judge and it will be within the jurisdiction of the learned Single Judge either to extend the same or not keeping in view the facts and circumstances of the case.



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6. Pending applications also stand disposed of.
7. A photocopy of this order be placed on the files of other connected cases.

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

**(RAMESH KUMARI)**  
**JUDGE**

**September 24, 2025**

*Jyoti-90*

Whether speaking/reasoned: Yes

Whether reportable : No