

3. Learned counsel for the petitioner submits that the said order passed by the Collector was set aside by the Commissioner, Rohtak Division with the order dated 27.10.1992 (Annexure P-10) without giving any reason to disagree with the order. The only reason given in the order passed is that the normal rent can only be charged from the person in service and not from the person who has already ceased to be in employment of the Medical College.

4. Thereafter, a review application dated 06.06.1994 (Annexure P-11) the revision was filed before the Commissioner, Rohtak Division which was also dismissed, which orders passed by the Commissioner Rohtak Division were impugned in the present petition (Annexure P-12).

5. While issuing the notice of motion, the Division Bench had directed the petitioner to deposit Rs.15000/-, which was deposited and the remaining recovery was stayed.

6. Learned counsel for the petitioner submits that the petitioner is a senior citizen hence, directing him to pay the penal rent, will cause financial distress to the petitioner at this stage.

7. Learned counsel for the respondent on the other hand submits that once, the petitioner has availed the accommodation beyond his entitlement, he is liable to pay the penal rent along with the normal rent.

8. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

9. The petition is pending in this Court for the last 26 years. The petitioner had already deposited a sum of Rs.15000/-. Further, it is a

conceded position that the petitioner is a handicapped person though, he was working as a Registrar of the respondent-Medical College.

10. As of now, the petitioner is a senior citizen and asking him to pay the penal rent at this stage of his life, will be too harsh. In the exercise of the extra-ordinary jurisdiction of this Court, keeping in view the facts and circumstances of the case that the deposit of penal rent had remained stayed for period of 26 years, the respondents are directed only to recover the normal rent as per the order of the Collector instead of the penal rent in view of the exceptional facts and circumstances of the present case.

11. Present petition is disposed of in above terms.

12. Pending application, if any, also stands disposed of.

09-01-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO