

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

**CWP No.1686 of 2012**

**Date of decision: May 30, 2014**

Rakesh Kumar Jaswal & others

...Petitioners

Versus

State of Punjab & others

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA**

Present: Mr. Veneet Sharma, Advocate for the petitioners.

Mr. Suresh Singla, Addl. A.G. Punjab.

Mr. R.D. Bawa, Advocate for respondent No.2.

**Rajan Gupta, J.**

Petitioners have sought a writ in the nature of certiorari for quashing the order dated 28.2.2011 and 13.9.2011, Annexures P-10 and P-11 respectively, whereby their eviction from the demised premises has been ordered.

Municipal Corporation, Amritsar instituted proceedings under the Punjab Public Premises (Eviction and Rent Recovery) Act, 1973 against the petitioners for being in unauthorized possession of the shops in question. They pleaded that the premises were allotted to them by the Corporation on lease basis. Thereafter, they had been regularly paying rent as would be evident from receipts in that respect. Corporation, refuted the stand. According to it, petitioners had unauthorizedly occupied certain

spaces in historical monuments. Government (Department of Tourism) had taken decision vide letter No.TM/TA/09/3866 dated 14.7.2009 that unauthorized occupants of historical gates at Amritsar would be evicted at the earliest. Authorities under the Public Premises Act considered rival contentions and directed eviction of the petitioners. The petitioners have assailed the orders on the ground that they were never declared unauthorized occupants, thus, proceedings under the Act were not maintainable against them. Stand of the Corporation is that petitioners are unauthorized occupants of the historical monuments. If certain receipts were issued for use/occupation thereof, petitioners cannot be treated as lessees in the premises.

I find no merit in the stand of the petitioners. According to their own stand, they are occupying certain vacant spaces in historical monuments in Amritsar, such as *Khazana Gate, Hathi Gate, Lahori Gate, Hakim Gate and Sultanwind Gate*. It appears, with the passage of time, they converted these vacant spaces into shops as officials of the Corporation issued certain receipts for use/occupation of such spaces. Some letters/receipts have been produced to show that the shops termed as *Kothries* were leased out to some of the petitioners. There can be no doubt, however, that eviction of the petitioners has been ordered after following due process of law. They have no right to remain in occupation of historical gates at Amritsar. There is nothing on record to show that vacant spaces in historical gates could be leased out to private individuals. The question of any person being in authorized possession of such premises, thus, does not

arise. There is, thus, no ground to interfere in writ jurisdiction. Same is hereby dismissed. The authority shall be at liberty to act in accordance with law and evict the petitioners pursuant to orders passed by the authorities below.

**(RAJAN GUPTA)**  
**JUDGE**

May 30, 2014  
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