

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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LPA No. 393 of 2009

Date of decision :December 22, 2009

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Gurbaksh Singh and others

.....Appellants

Versus

The Commissioner patiala Division Patiala and others

.....Respondent

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**CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE JORA SINGH**

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Present: Mr. B.P.S Virk, Advocate for the petitioners.

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HEMANT GUPTA, J.

This order shall dispose of LPA Nos. 393 and 394 of 2009 arising out of order passed by the learned Single Judge, whereby the writ petition challenging the orders passed by the authorities under Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (for short 'the Act') were dismissed.

The land in respect of which the appellant has been ordered to be evicted was acquired by the State to set up brick kiln along with the banks of Bhakhra canal for making bricks required for

construction of the canal in the year 1958. After the construction of canal, the vacant land was occupied by the appellants and made cultivable. Since the possession of the appellants was unauthorised, the proceedings under the Act were initiated against the appellants which were allowed by the learned Collector on 2.12.2005. The appeal was dismissed on 1.8.2006. The writ petition challenging the aforesaid order was dismissed by the learned Single Judge which is the order impugned in the present appeal.

Learned counsel for the appellants has vehemently argued that in terms of the policy of the State Government, the appellants have right to allotment of land which is in possession of the unauthorised occupants. It is thus contended that possession of the appellants should be stayed till the State Government finally decides upon the claim of the appellants and as such persons are entitled for the allotment of such land.

We do not find any merit in the said arguments. As on today there is no policy of the State Government for allotment of the vacant land which is in unauthorized possession. As and when any policy is framed, the appellants or such other persons who are entitled to benefit under the policy can seek benefit under the policy. The case of the appellants or such other persons who are entitled to the benefit of the policy can be considered as after policy is framed. But as on today, the appellants are unauthorised occupants of the land in dispute. Consequently, they have been ordered to be evicted.

We do not find any infirmity in the order passed by the learned Single judge which may warrant interference of this Court.

Present Letter Patent Appeal is hereby dismissed.

**(HEMANT GUPTA)
JUDGE**

December 22, 2009
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**(JORA SINGH)
JUDGE**