

# **SUPREME COURT OF INDIA**

State of Haryana

Vs.

Mohinder Pal

C.A.No.5175 of 1993

(S. Rajendra Babu and S. N. Phukan, JJ.)

08.03.2000

## **ORDER**

This appeal is directed against the order made by the High Court in writ petition which was filed by the respondents complaining that the appellants have demolished the Khokhas and other structures put on by them. Two applications were filed under Sections 4, 5 and 7 of the Haryana Public Premises Land (Eviction and Rent Recovery) Act, 1972. During the pendency of those proceedings the appellants took steps to eject the respondents from the land in question and demolished the khokhas constructed by them. The High Court proceeded on the basis that even Government cannot take law into their hands while dispossessing the petitioners but should have followed the due procedure prescribed by law and not doing so is contrary to rule of law and consequently allowed the writ petition by awarding damages to the extent of Rs. 15,000/- and Rs. 5,000/- by way of costs. However, while disposing of the writ petition the High Court took care to protect the interest of the appellants to the extent of giving an opportunity to revive their application filed earlier or to file a fresh application and withdrawal of the earlier application will not come in their way. Learned counsel for the appellants very vehemently submitted that in the absence of any material as to the title of the respondents in respect of the property in question the High Court could not have granted relief in the manner it has been made. It is also pointed out that there are several other strong reasons for the respondents to have acted in the manner they did. Question of examining the title of the parties does not arise at all as admittedly respondents were in possession of the property in question and put up structures thereon. On that admitted position High Court took the view that

ejection of the respondents forcibly without due recourse of law was not in due process. No exception can be taken to that view at all. In fact, this view is consistent with what has been stated by this Court in State of U.P. v. Maharaja Dharmander Prasad Singh, AIR 1989 SC 997. Whatever may be the reasons the appellant had, they should have acted in accordance with law.

2. In the circumstances, we maintain the order made by the High Court. The appeals are dismissed. No costs.

Appeals dismissed.