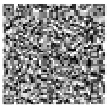


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision: 25.09.2025

1. CWP No.12788 of 2022 (O&M)
SALINDER KUMAR AND ORSPetitioners
Versus
UNION OF INDIA AND ORSRespondents
2. CWP-30639-2019 (O&M)
ABDUL SAMAD MIR AND OTHERSPetitioners
Versus
UNION OF INDIA AND OTHERSRespondents
3. CWP-17220-2020 (O&M)
RAM MEHAR SHARMA AND ORSPetitioners
Versus
UNION OF INDIA AND ORSRespondents
4. CWP-37382-2019 (O&M)
BASHIR AHMED MALIK AND OTHERSPetitioners
Versus
UNION OF INDIA AND ORSRespondents
5. CWP-13119-2022 (O&M)
BASHIR AHMED AND ORSPetitioners
Versus
UNION OF INDIA AND ORSRespondents
6. CWP-18035-2024 (O&M)
DEEPAK SHARMA AND ANRPetitioners
Versus
UNION OF INDIA AND ORSRespondents



7.

CWP-20723-2024 (O&M)

ABDUL AHED

Versus

UNION OF INDIA AND ORS

.....Petitioner

.....Respondents
8.

CWP-18729-2024 (O&M)

RAJ ALI

Versus

UNION OF INDIA AND ORS

.....Petitioner

.....Respondents
9.

CWP-18734-2024 (O&M)

MAKSOOD AND ANOTHER

Versus

UNION OF INDIA AND ORS

.....Petitioners

.....Respondents
10.

CWP-18747-2024 (O&M)

SUNNY THAKUR

Versus

UNION OF INDIA AND ORS

.....Petitioner

.....Respondents
11.

CWP-18750-2024 (O&M)

SARASWATI AND ANR

Versus

UNION OF INDIA AND ORS

.....Petitioners

.....Respondents
12.

CWP-18825-2024 (O&M)

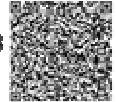
KULJEET SINGH KLER

Versus

UNION OF INDIA AND ORS

.....Petitioner

.....Respondents



13. CWP-18940-2024 (O&M)

SAYARA BEGUM AND OTHERS

.....Petitioners

Versus

UNION OF INDIA AND ORS

.....Respondents

14. CWP-18999-2024 (O&M)

MOHAMMAD SADIQ

.....Petitioner

Versus

UNION OF INDIA AND ORS

.....Respondents

15. CWP-19165-2024 (O&M)

RAM SINGH THAKUR

.....Petitioner

Versus

UNION OF INDIA AND ORS

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Ms. Savita Sisodia, Advocate and
Mr. Chouhan S.S. Sisodia, Advocate,
for the petitioner(s) in CWP-12788-2022, 30639-2019,
17220-2020, 13119-2022, 18035-2024, 18729-2024,
18747-2024 and 18750-2024.

Mr. Vishal Garg Narwana, Advocate,
Mr. Arishdeep Mraad, Advocate and
Mr. Khushwant Saharan, Advocate,
for the petitioner(s) in CWP-18734-2024, 18940-2024,
18999-2024 and 19165-2024.

Mr. Shakti Mehta, Advocate and
Mr. Manglesh Kumar, Advocate,
for the petitioner(s) in CWP-37382-2019.

Mr. Karik Gupta, Advocate,
for the petitioner(s) in CWP-18825-2024.

Mr. Rajeev Sharma, Advocate and
Ms. Sony, Advocate,
for the petitioner(s) in CWP-20723-2024.



Mr. Satya Pal Jain, Additional Solicitor General of India with
Ms. Saigeeta Srivastava, Advocate,
for the respondent-UIO.

Mr. Sumit Jain, Advocate,
Addl. Standing Counsel for UT Chandigarh and
Mr. Gaurav Vir Singh Behl, Advocate,
Junior Standing Counsel, UT Chandigarh
for the respondent-UT Chandigarh.

Mr. Rahul Dev Singh, Advocate,
for the respondent-J&K.

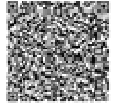
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ANUPINDER SINGH GREWAL, J. (Oral)

This order shall dispose of the aforementioned 15 writ petitions as common question of law and facts are involved in the same. For the sake of brevity, the facts are being taken from CWP-12788-2022.

2. The petitioners are seeking a writ in the nature of certiorari declaring the action of the respondents in evicting them without rehabilitating them, as illegal. They have also sought directions to the respondents to look into their grievances and rehabilitate them as per their policies.

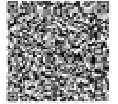
3. Learned counsel for the petitioners submits that the petitioners have been residing at the accommodation in Sector 29-B provided to them by respondent no. 3- Chandigarh Administration (hereinafter referred to as 'Chandigarh Administration') for over 37 years and therefore, they ought not to be evicted without following due procedure of law. They further submit that direction be issued to the respondents to formulate a policy for rehabilitation of the petitioners before evicting them.



4. Learned counsel for the respondents while referring to the reply filed by them, submit that the petitioners are migrant labourers from the erstwhile State of Jammu and Kashmir. Respondents No.5 to 7-State of Jammu and Kashmir (hereinafter referred to as 'State of Jammu and Kashmir'), had requested the Chandigarh Administration to accommodate the migrant labourers from the State during the winter season and hence, the petitioners had been accommodated only temporarily, in the residential flats which had been handed over by the Chandigarh Administration to the State of Jammu and Kashmir. The mere fact that the petitioners have been staying in the residential flats for over 37 years does not vest in them any right to continue living there in perpetuity. They also submit that the petitioners had earlier challenged their eviction by preferring a petition bearing CWP-14955-2012, which was dismissed by this Court, vide order dated 07.08.2012 (Annexure P-8). Therefore, the issue with regard to their eviction had attained finality. They also submit that there is no policy in place, under which the petitioners can be rehabilitated and the representation preferred by the petitioners to that effect has been rejected.

5. Heard.

6. The petitioners are stated to have migrated from the erstwhile State of Jammu and Kashmir to Union Territory, Chandigarh in search of work in the early 1970s. Later in the year 1983-84, the State of Jammu and Kashmir requested the Chandigarh Administration to accommodate the migrant workers migrating from the State to the Union Territory during the harsh winter season to earn their livelihood. Their request was acceded to



by the Chandigarh Administration and the petitioners were accommodated on a temporary basis in the quarters bearing nos. 1001 to 1060 in Sector 29-B, Chandigarh (hereinafter referred to as 'the quarters').

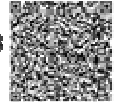
7. Subsequently, the State of Jammu and Kashmir wanted vacant possession of the quarters as the petitioners and other persons were stated to have been occupying them in an unauthorised manner and sought their eviction under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971. Respondent No.4-Estate Officer by order dated 21.06.2012 had directed eviction of the residents from the quarters. The order was challenged by the residents before the Appellate Authority by preferring an appeal, which was dismissed on 28.07.2012 (Annexure P-6). Aggrieved thereagainst, some of the petitioners and other similarly situated residents had preferred writ petitions (lead case-CWP-14955-2012), challenging the order of eviction as well as the order passed in appeal. Those writ petitions were also dismissed by this Court vide judgment dated 07.08.2012. This Court had held that the petitioners therein had no right to retain the possession of the accommodation and the action of the respondents in evicting them was upheld. The relevant extract of the judgment dated 07.08.2012 is reproduced hereunder:

*“The only protection afforded to the petitioners under the judgment and order dated 25.2.2010 passed by the learned Single Judge of this Court in CWP No.1083 of 1987 was that the petitioners would not be dispossessed or evicted, except in due course of law. We are afraid, it is not possible to give any protection to the petitioners larger than that granted by this Court as that decision has attained finality and operates as res judicata. **The lessee of the property i.e., the ALC, J & K had found***



serious defalcations and gross misuse of the labour quarters at the hands of the occupants and of unlawful onward sales made to third parties without valid legal authority or title in property. In the second survey conducted, the name of the petitioner finds mention as an illegal occupant. Merely because the petitioner claims to have been in possession of the property for the last 28 years would not itself clothe him with right title or interest in the labour quarter which was meant only as a night shelter and temporary arrangement for migrant labour as licencees. In the absence of any letter of allotment or conveyance deed or other document in favour of the petitioner, it would be difficult to uphold the right of continued possession after declaration of illegal occupation and unauthorized possession. There may be hardship involved in the eviction process of or humanitarian issues involved yet it is for the UT Administration, as owner of the property to consider the feasibility of carrying on with the purpose of the quarters as a Sarai for migratory labour from Jammu and Kashmir in the background of further exodus from the Valley over the years. This is, however, a question of policy and we can only say that the directions and observations of the learned Single Judge contained in the portion extracted, supra would be given respect by the Chandigarh Administration which may yet formulate a policy where genuine and bona fide needs of migrant labour are temporarily met and use and occupation of the 60 quarters considered, evaluated and examined on the principle of continued need and comparative hardship inter se of genuine and bona fide migrant labour and to take such action against erring migrants who unlawfully sold the quarters to third parties by deceit and fraud and disturbed the fragile equilibrium. This is, however, for the Chandigarh Administration to address itself before taking penultimate decision. Notwithstanding the above, we cannot bring ourselves to help the petitioner/s in his/their predicament since we do not find any illegality, apparent error; legal flaw or perversity in the order passed by the learned Additional District Judge, Chandigarh in the statutory appeal presented before him and consequently are constrained to dismiss this petition with the above observations.”

8. It is manifest that the order evicting the residents had been upheld by this Court and it had attained finality in the year 2012. Therefore,



same issue cannot be reopened and re-agitated in the instant petitions. Consequently, we do not find any illegality in the action of the respondents directing the eviction of the petitioners.

9. However, it is significant to note that the petitioners have been staying in the quarters for about 37 years and it would be unjust and harsh to direct their eviction forthwith. It would be in the interest of justice, that they be accorded reasonable time to make alternative arrangement and to vacate the premises. We, therefore, deem it appropriate to grant them time till 31.03.2026 to vacate the quarters. We also direct the respondents to consider rehabilitation of the petitioners as they have been residing in Chandigarh for almost 4 decades and if necessary, consider framing policy in that regard.

10. The petitions stand disposed of in the above terms.

11. All pending miscellaneous application(s) also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

25.09.2025
sandeep

(DEEPAK MANCHANDA)
JUDGE

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No