

Summary:

Eviction — whether under ESTA or PIE? -- Held, under PIE — requirements of proof for valid eviction — evictee is a land owner of adjoining property — buildings constructed on applicant's property unbeknown to respondent who bought the property as it stands — seller of adjoining property failed to tell respondent that building were not on the adjoining property but in fact on the applicant's property — applicant bought property for investment purposes and seldom visited it — neither applicant or respondent aware that buildings not on adjoining property but on applicant's property — applicant receiving notice from municipality that buildings are illegal — immediately demanded eviction of respondent — applicant's failure to join the municipality as a party to proceedings not fatal — just and equitable to evict respondent and his family as *error in corpore* not applicant's fault and applicant was a pensioner whose investment in his property akin to his pension.