

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

**Crl. Misc. No. M-1181 of 2014
Date of Decision: 06.02.2015.**

Pardeep

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Mr. S.S.Kharb, Advocate
for respondent No. 4.

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SABINA, J.

Petitioner has filed this petition under Section 482 of the Code of Criminal Procedure, 1973 ('Cr.P.C.' for short) challenging the order dated 25.11.2013 (Annexure P-10).

Learned counsel for the petitioner has submitted that petitioner took the land in question on lease from the Gram Panchayat on 8.11.2005. The lease period was to expire on 14.11.2011. On 2.4.2012, *calendara* was presented against the petitioner under Section 145 Cr.P.C. at the instance of the Gram Panchayat. Since the possession had been taken from the petitioner during the said proceedings, the possession of the land in question was liable to be handed over to the petitioner.

Learned counsel for the Gram Panchayat, on the other hand, has opposed the petition and has submitted that the possession of the land in question was liable to be handed over

to the Gram Panchayat as there was no lease in favour of the petitioner and petitioner could not retain the possession of the land.

In the present case, admittedly, the land in question was leased out to Ram Pal, Dalel and Rajesh for a period of five years on 6.11.2005. The lease period expired on 14.11.2011. Amrik and petitioner, however, claimed right over the land in question and due to this reason, a dispute arose between the parties. At the instance of the Gram Panchayat, proceedings under Section 145 Cr.P.C., were initiated. The land was ordered to be attached vide order dated 12.4.2012. Vide order dated 18.11.2013, this Court directed the Sub Divisional Magistrate to dispose of the applications moved by the petitioner for delivery of possession as well as the amount of the produce lying deposited in the account of the *sapurdar*. In pursuance to the said order, passed by this Court, the Sub Divisional Magistrate has passed the impugned order dated 25.11.2013. The Sub Divisional Magistrate vide the impugned order directed that income arising from the wheat crop and the interest received on the said amount, be released to the petitioner. The lease amount was directed to be released to the Gram Panchayat with effect from the year 2012 onwards. Petitioner had submitted his affidavit that after cutting the wheat crop, he had left the land. Therefore, the Sub Divisional Magistrate rightly directed that the possession of the land be handed over to the Gram Panchayat. Since the petitioner could not claim the possession of the land in question as there is no lease order passed by the Gram Panchayat in his favour, no ground is made out to deliver the possession of the

land in question, which belongs to the Gram Panchayat, to the petitioner.

No ground for interference is made out.

Dismissed.

**(SABINA)
JUDGE**

February 06, 2015
Gurpreet