

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

CRM-M No.12780 of 2014.

Date of Decision: March 19, 2015.

MEHAR SINGH

...PETITIONER.

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

1. Whether the judgment should be reported in the digest? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No

Present: Ms. Rahish Pahwa, Advocate for the petitioner.

Ms. Mahima, Assistant Advocate General, Haryana.

SNEH PRASHAR, J.

This is a petition under Section 482 of the Code of Criminal Procedure (in short, “Cr.P.C.”) seeking direction to the respondents to take action in accordance with the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, “the Act of 1989”) as well as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (in short, “the Rules of 1995”) for redressal of grievances of the petitioner.

2. Heard the submissions made by Ms. Rahish Pahwa, learned counsel representing the petitioner and Ms. Mahima, learned Assistant Advocate General, Haryana.

3. Learned counsel for the petitioner submitted that the petitioner belongs to Scheduled Caste and has been a victim of atrocities inflicted upon him by persons of upper caste and there has been inaction on part of the respondents to take action for redressal of his grievances. He purchased a piece of land from one Kaptan Singh son of Shiv Dayal, resident of village Atta, Tehsil Samalkha by paying full and final sale consideration settled between the parties. He was put in to actual possession of the land. The land had been purchased by Kaptan Singh from Rajesh Kumar and Rakesh Kumar. The said Rajesh Kumar and Rakesh Kumar forcibly ousted him from the land with the help of musclemen as they could not tolerate that their land had been purchased by a person belonging to a Scheduled Caste. They called him bad names using his caste on which he reported the matter to the police and First Information Report No.487 dated 16.10.2012 under SC/ST Act, 1989 was registered at Police Station Gharaunda, District Karnal. The accused, being hand in gloved with political people, no action was taken by the police but after he filed a petition bearing CRM-M No.11754 of 2013 before this court, the police strictly took action and arrested the accused and challaned them.

Learned counsel asserted that though the accused have been arrested but the petitioner is still out of possession and is being deprived of his right of enjoyment of the land due to the ill act/mischief on part of the

accused persons. The respondents being the Deputy Commissioner, Karnal and Sub Divisional Magistrate, Karnal are legally bound to redress the grievance of the petitioner by restoring possession of the land to him as provided under the provisions of the Act of 1989 and Rule 12 of the Rules of 1995.

4. Refuting the submissions of learned counsel for the petitioner, it was submitted on behalf of the respondents that the petitioner has already been given all benefits to which he is legally entitled to. The First Information Report No.487 dated 16.10.2012 was registered on the basis of letter no.737/D.C./C.E.A. dated 03.10.2012 of the then Deputy Commissioner, Karnal. Invoking the provisions of Section 3(1)(iii), the weapon of accused Rakesh Kumar was got deposited in Krishna Armory, Karnal. Further, complying with the provisions of Rule 12 of the Rules of 1995 a relief of Rs.60,000/- was given to the petitioner which was deposited on 20.11.2013 in his bank account no.2035101006517. As regards, restoration of possession of the land in question, it is the petitioner who is wrongly asserting for the same. The disputed land is Shamlat in nature. An agreement of sale was executed by accused Rajesh Kumar and Rakesh Kumar in favour of one Kaptan Singh in respect of the said land thereafter Kaptan Singh executed an agreement of sale of full and final payment in the name of the petitioner. As per the revenue record, the petitioner was not in possession of the disputed land. More so, a civil suit for specific performance on the basis of the agreement of sale has already been filed by the petitioner which is pending consideration before the Additional Civil

Judge (Senior Division), Karnal. In an inquiry held by Sub Divisional Officer (Civil), Karnal, the petitioner as well as the opposite party had appeared and in his statement the petitioner had stated that the Tehsildar, Gharaunda conducted inquiry in a proper manner and that he has filed a suit for specific performance and will be bound by the decision of the court of law.

5. It transpires from the reply submitted by the respondents that the concerned authorities had taken action in accordance with the Act of 1989 and the Rules of 1995 from time to time. Admittedly, so far the petitioner has only an agreement of sale in his favour in respect of the disputed land executed by a person who too had an agreement of sale in his name. Admittedly, the petitioner has already filed a civil suit for specific performance of the agreement of sale. The dispute apparently is of civil nature. It is in the said suit that the possession and title of the parties will be decided. As far as immediate relief to the petitioner is concerned, as submitted by the respondents they have already deposited an amount of Rs.60,000/- on 20.11.2013 in his bank account no.2035101006517. The matter of possession being subjudice, no further order is required to be passed by this Court and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

March 19, 2015
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