

CWP-8061-2014

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

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Date of Decision: 16.11.2015

Paramjit Kaur

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Sandeep Arora, Advocate,
for the petitioner.

Mr. S.S.Chandumajra, Addl. A. G. Punjab.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 14.03.2014 (Annexure P-4) passed by respondent No.2-Deputy Commissioner, Gurdaspur whereby request of the petitioner for providing police help for raising construction of a house has been declined.

I have heard learned counsel for the parties and perused the record.

Admittedly, respondent No.4-Balwinder Singh had filed a civil suit against the petitioner which has been dismissed by the Court of

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Civil Judge (Jr. Divn.), Batala. The petitioner has claimed himself to be a purchaser from one Bawa Singh, who was also a party in the said civil suit. Vide impugned order dated 14.03.2014 (Annexure P-4), respondent No.2 has rightly declined the request of the petitioner for providing police help keeping in view the fact that proceedings were pending before the civil court. A relevant extract of the impugned order dated 14.03.2014 (Annexure P-4) reads as under:

“It is pertinent to mention here that as per law, the procedure for executing the decree is that where the holder of decree desires to execute it, he shall apply to the Court, which passed the decree and the court executing the decree shall issue a notice to the person against whom execution is applied for requiring him to show cause on a date to be fixed, as to why decree should not be executed against him and where a decree for an injunction has not been obeyed, the Court may pass direction, for attachment of his property or his detention in civil imprisonment or some other person to be appointed by the court for such execution of decree. Since the issue involved in the present representation is purely of civil nature, the administration cannot interfere except under the due orders of a competent court. The application of the petitioner is, therefore, filed and the petitioner is advised to approach the competent court for the redressal.”

The judgment and decree of the civil court have not been placed on record. Respondent No.2-Deputy Commissioner has rightly observed that if decree has been passed, the same can only be executed

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by the Civil Court.

In view of above, I do not find any illegality or perversity in the impugned order.

Dismissed.

16.11.2015

parveen kumar

**[Paramjeet Singh]
Judge**