

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

(118)

CRM-M-30797-2016

Decided on: September 01, 2016.

Manjeet Jeji

.... Petitioner

Versus

The SSP, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Dr. Surinder Singh Joshi, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

After hearing learned counsel for the petitioner, it appears that the petitioner is an occupant of a portion of House No.547, Sector 8-B, Chandigarh. The execution for ejectment order passed by the Rent Controller, appears to have been fixed once on 26.09.2014. A revision petition of the petitioner, is pending before this Court which is fixed for 08.09.2016 and interim order has been passed in her favour to the effect that executing Court would adjourn the execution proceedings beyond the date fixed in the revision petition.

The grievance of the petitioner is that landlord-respondent No.3 has locked the main gate while the car of the petitioner is inside.

On asking of the Court, learned counsel for the petitioner submits that only the side gate of the house is available for access to the house.

Through instant petition, the petitioner seeks a direction to Chandigarh Police to prevent harassment at the hands of the private respondent and for protection. The dispute apparently is a dispute between

tenant, occupant and the landlord and the averments in representation Annexure P-4 indicate that the petitioner seeks opening of lock of the main gate of the abovesaid house. Complaint Annexure P-4 dated 21.04.2016, appears to have been filed before the Senior Superintendent of Police, U.T., Chandigarh. The petitioner has also filed a complaint vide receipt Annexure P-5 of 02.05.2016. A period of more than three months, has elapsed after complaint was filed by the petitioner. No opinion can be expressed by this Court regarding the situation existing on the spot.

The petitioner, in the capacity of occupant of abovesaid house, has got right to amenities which include access to the house. Violation of any such right entails in suffering the consequences for which the remedy is provided under the provisions of Sections 36 to 39 of the Specific Relief Act for enforcement of the legal rights. Even the provisions of Rent Act applicable to the property enable the petitioner to seek relief from an appropriate Court.

This petition is disposed of with an observation that in case of any threat to the life and liberty of the petitioner or apprehension of breach of peace, it will be open to the petitioner to approach the Senior Superintendent of Police, U.T., Chandigarh by filing a complaint. If any such complaint is filed, it is expected that the same would be looked into to ensure prevention of breach of peace or commission of any offence.

(M.M.S. BEDI)
JUDGE

September 01, 2016
harsha

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No