

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

CRM-M-42980-2014 (O&M)

Date of decision: 09.11.2016

HARPREET SINGH

...Petitioner

Versus

STATE OF PUNJAB AND ORS

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. Liaqat Ali, Advocate
for the petitioner (s).

Mr. Mehardeep Singh, Addl. A.G., Punjab

Jitendra Chauhan, J. (Oral)

The short prayer in the present petition is to issue directions to respondent No.2 to take necessary action against respondent No.5 as he in unlawful manner trespassed the property of the petitioner and damaged the wheat crop.

A Civil Suit between the petitioner and respondent No.5 is pending adjudication with regard to ownership of the property in question. The petitioner claims to be owner of the said property on the basis of sale deeds (Annexures P-1 and P-2) whereas respondent No.5 filed a Civil Suit on the basis of claiming share in the property.

As per the reply of the respondent-State, the Civil Suit is pending, whereas sensing breach of peace, local police initiated proceedings under Sections 107 and 151 Cr.P.C. against both the parties.

The calandra under Section 145 Cr.P.C. was also moved with respect to disputed land on 12.08.2014 but the petitioner moved petition under Section 482 Cr.P.C. in this Court which has stayed the operation of calandra, while issuing notice of motion.

Considering the fact that the petitioner asserts possession and ownership on the basis of Annexures P-1 and P-2. Accordingly, the State is directed to verify the said documents i.e. Annexures P-1 and P-2 and in case the documents are found to be genuine and legal, the petitioner be not dispossessed except by following the due process of law till the decision of the civil suit.

Disposed of.

09.11.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No