

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-8660 of 2015 (O&M)
Date of Decision: May 19, 2016

Dharambir

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sukhdeep Parmar, Advocate
for the petitioner.

Mr.Brijesh Sharma, Addl. Advocate General, Haryana
for the respondent-State.

Mr.Vipul Sharma, Advocate
for respondents No.7, 9, 10, 12 and 18.

Mr.Sandeep Verma, Advocate
for respondents No.14 and 15.

None for respondent No.19.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C.
against State of Punjab and other respondents for issuance of
direction to respondents No.3 and 4 to properly investigate the matter
of harvesting the crop by respondents No.7 to 20 belonging to Gram
Panchayat Manana and take necessary action as recommended by
respondent No.5 vide letter dated 22.04.2014.

Notice of motion was issued and learned State counsel as

well as learned counsel for private respondents appeared and contested the petition and replies were also filed.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that as per Annexure P-2, the present petitioner filed civil writ petition No.25151 of 2013 which was decided on 18.11.2013 by this Court and as per this order, directions were issued to the Deputy Commissioner, Panipat to look into the matter and if it is found correct that the Gram Panchayat's land is under unauthorized occupation, the Gram Panchayat be directed to take suitable action, forthwith, against those persons, as per law and it is further ordered that needful shall be done within two months from the date of receipt of a certified copy of the order.

It is argued by learned counsel for the petitioner that total encroached land has not been got vacated and contempt proceedings are pending for not complying with the order passed by this Court. In the present petition, learned counsel for the petitioner contended that from the land, respondents No.4 to 20 have harvested the crop and action be taken against private respondents by way of registration of the FIR.

From the record, firstly, I find that it is clear that the dispute is of civil nature regarding encroachment of gram panchayat land, in which necessary directions have already been issued by this Court. Secondly, if any crop has been harvested from the gram panchayat land or sown on the encroached land, then the remedy lies by way of

suit for mesne profits etc. Again, it is a civil remedy. Even otherwise, if it is taken that any criminal offence is made out, then the petitioner has alternative remedies as held by the Hon'ble Supreme Court in **Sakiri Vasu v. State of U.P. and others, 2008 (1) R.C.R. (Cr.) 392.**

As the petitioner has alternative remedies, therefore, the present petition is disposed of with liberty to the petitioner to avail alternative remedies.

May 19, 2016
Vgulati

(INDERJIT SINGH)
JUDGE