

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

CRWP-1516-2016 (O&M)

Date of decision: 28.11.2016

Nitin Kumar Sardana

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Savita Bhandari, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Respondent Nos. 4 & 5 in person with

Mr. B.B. Bagga, Advocate for respondent Nos. 4 & 5.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 226 of the Constitution of India, the petitioner seeks release of detenue i.e. his mother from the illegal custody of respondent No.4 (father of the petitioner).

Heard.

In pursuance of order dated 21.11.2016, respondent No.5 has been produced before this Court by respondent No.4. Respondent No.5 does not appear to be not well oriented, however, she has been getting the necessary medical treatment. As per the submission made by respondent No.4, the father of the petitioner, the petitioner never served his mother i.e. respondent No.5. In fact he is residing away from his family for the

last eight years. A considerable family holdings to the extent of 55 acres of land (approx.) has been sold by the petitioner. Respondent No.4 further informs that in fact two members of the family including the mother of respondent No.5 have died under mysterious circumstances, however, the Court is not inclined to go into this aspect of the matter.

Considering the fact that the petitioner has left the home and has been residing separately for the last eight years, the present petition appears to be only an effort to have the custody of respondent No.5 and to acquire the estate held by her, if any. After hearing respondent No.4 and daughter of respondent Nos. 4 & 5 who is residing near the house of respondent Nos. 4 & 5, the Court is fully convinced that the present petition is ill-conceived and has been filed with a *mala fide* intention to harass respondent No.4 and to grab the estate held by respondent No.5.

Considering the above facts and circumstances, the present petition is dismissed with costs of Rs.5 lakh to be deposited by the petitioner in the bank account of respondent No.4 as compensation who is looking after respondent No.5, within one month from today. In case, the payment is not made, the proceedings be initiated as per law and the costs imposed be recovered as arrears of land revenue.

28.11.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No