

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CWP No.21145 of 2016
Date of Decision : 7.10.2016
.....Petitioners

Lajpat Rai and others

Vs.

State of Haryana and othersRespondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Aditya Jain, Advocate for the petitioners.

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RAMESHWAR SINGH MALIK, J

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioners have approached this court by way of instant writ petition, under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Learned counsel for the petitioners refers to the earlier order dated 14.7.2015 passed by this court in CWP No.9778 of 2015 (Lajpat Rai and others Vs. State of Haryana and others) (Annexure P-16) and the order dated 11.9.2015 (Annexure P-17) passed by the Deputy Commissioner, Faridabad in compliance of the above said order passed by this court, to contend that even if the proceedings under Section 145 Cr.P.C. were to be adjourned sine die to await the decision of civil suit pending between the parties, status quo was required to be maintained, so as to avoid any multiplicity of litigation and also in the interest of parties to the litigation.

In view of the above, learned counsel for the petitioners submits that when the petitioners were faced with the above said unwarranted situation, they approached the Police Commissioner, Faridabad, vide their self contained

representation dated 12.9.2016 (Annexure P-25), but the same is also pending decision. He further submits that the petitioners will be satisfied in case Police Commissioner, Faridabad, is directed to consider the grievance of the petitioners already raised, vide their representation dated 12.9.2016 (Annexure P-25) and decide the same within a reasonable time, however, maintaining status quo at the site, as it exists today.

Having heard learned counsel for the petitioners and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, instant writ petition is disposed of, with a direction to the Police Commissioner, Faridabad, to consider the grievance raised by the petitioners in their representation dated 12.9.2016 (Annexure P-25), which prima facie seems to be genuine and decide the same at an early date, by passing an appropriate order thereon, strictly in accordance with law, but in any case within a period of three months from the date of receipt of certified copy of this order. However, with a view to avoid any untoward incident and also to maintain law and order situation at the site, it is directed that till the Police Commissioner, Faridabad passes an appropriate order on the representation (Annexure P-25), status quo shall be maintained between the parties. Police Commissioner, Faridabad shall also ensure that nobody takes law into his hands. It also goes without saying that ultimately the civil court decree shall prevail upon between the parties to the litigation.

With the above said observations made and directions issued, the present writ petition stands disposed of.

7.10.2016
GS

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No