

CWP-9734-2016

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

CWP-9734-2016

Date of Decision: 17.05.2016

Harbans Kaur

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH
DHALIWAL**

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Sandeep Khunger, Advocate,
for the petitioner.

Paramjeet Singh Dhaliwal, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent Nos.1 to 4 to provide police help to the petitioner to cut the standing wheat crop in the land owned and possessed by respondent Nos.5 to 9, who are politically influential persons.

I have heard learned counsel for the petitioner and perused the record.

Perusal of record indicates that the petitioner had earlier filed civil suit No.147/25.05.2011, decided on 07.07.2015, titled as

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'Harbans Kaur vs. Mauja Singh and others'. Thereafter, the petitioner has filed another civil suit titled as 'Harbans Kaur vs. Pritpal Singh and others' wherein interim injunction has been granted vide order dated 18.04.2016. So far as the contention of learned counsel for the petitioner that for cutting the crop, police help is necessary, is concerned, the same cannot be appreciated in writ jurisdiction. If the private respondents are violating the injunction order passed in a civil suit, the petitioner has a remedy to move appropriate application in the civil suit to the said effect. The petitioner also has alternative remedy under Order 39 Rule 2-A CPC against the alleged violation of the injunction order dated 18.04.2016 passed by the trial Court in the civil suit. So far as the contention of learned counsel for the petitioner that private respondents are influential persons, is concerned, the same cannot be accepted on the face of it. The persons belonging to political parties, allegedly having influence over the police, have not been impleaded as parties. Mere bald statements and averments cannot be accepted.

In view of above, I do not find any merit in the present petition.

Dismissed.

It goes without saying that this order will not prejudice the rights of the petitioner to approach other forums, as available to her, in accordance with law.

17.05.2016

parveen kumar

(Paramjeet Singh Dhaliwal)
Judge