

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

CRM No.M-11264 of 2017 (O&M)

Date of Decision: October 26, 2017

Maya Devi

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Vinod Kumar, Advocate
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Shiv Kumar, Advocate
for respondents No.4 to 7, 9 and 10.

None for respondent No.8.

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.1 to 3 to conduct fair and proper re-investigation against private respondents No.4 to 10, who had demolished the house of the petitioner etc.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondents No.4 to 7, 9 and 10 appeared and contested the petition. None appeared on behalf of respondent No.8 despite service.

Learned counsel for the petitioner argued that petitioner is an

old lady of 70 years. Her constructed house was demolished by private respondents with the help of JCB machine. It is further argued that a representation was already given to the police, copy of which is Annexure P-3 but no action has been taken.

On the other hand, learned State counsel as well as learned counsel for private respondent argued that civil litigation is already pending between the parties. The Deputy Superintendent of Police has conducted the enquiry and the representation moved by the present petitioner has been filed.

After hearing learned counsel for the parties as well as learned State counsel and after going through the record, I find that serious allegation has been levelled by the petitioner that her house has been demolished with the help of JCB machine without any notice or order of the Court or order of any Government authority.

Keeping in view the above facts, even if it is taken that civil litigation is pending, even then, this is no ground for not taking action on the representation. Rather, the enquiry should have been conducted to determine whether the house has been demolished without any authority or not. Even if it is presumed that house was constructed illegally, even then, the possession of the present petitioner is stated to be for sufficient long period and it cannot be interfered with, illegally by the private respondents.

Learned counsel for private respondents also contested the fact the respondents have demolished the house and argued that representation given by the petitioner to the police is false one.

The fact whether house was demolished illegally by the private respondents or not, is to be enquired. The Senior Superintendent of Police,

Hoshiarpur is directed to look into the representation Annexure P-3 and to get the matter enquired from SP rank officer, posted under him, by giving opportunity to both the parties and further, independently without being influenced, in any way, from this order.

With the above-said direction, the present petition stands disposed of.

October 26, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No