

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18673-2016 (O&M)

Date of decision: 04.09.2017

Harjinder Singh and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Surinder Mohan Sharma, Advocate for the petitioners
Ms.Monika Jalota, DAG Punjab
Mr.J.S.Thind, Advocate for respondent Nos.5, 6 and 8

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

The present petition has been filed under Section 482 Cr.P.C. for directing respondent nos.2 to 5 to implement the order dated 29.1.2016 (Annexure P2) passed in a petition filed under Section 133 of Code of Criminal Procedure, whereby 11 feet wide projection constructed by the private respondents in the street was ordered to be removed.

Respondent nos.2 to 4 have filed reply, in which, passing of the order has not been disputed. It is further stated that under Section 34 of the Punjab Panchayati Raj Act, 1994, the Gram Panchayat has the power to remove the encroachment and nuisance in the village.

I have heard learned counsel for the parties and have carefully gone through the file.

Learned counsel for the respondents has stated that it is their

own property and the petitioner has nothing to do with it.

This Court is not to go into the merits of the order. The short prayer of the petitioner in the present petition is for implementing the order dated 29.1.2016 passed by Sub Divisional Magistrate, Sultanpur Lodhi. The said order has not been challenged before the revisional Court so far and has become final. Until and unless there is stay from the superior Court, the order has to be implemented.

As such, the present petition is disposed of with direction to Sub Divisional Magistrate, Sultanpur Lodhi to implement his order dated 29.1.2016 (Annexure P2) immediately on the receipt of a certified copy of the order of this Court by taking the police help so that the private respondents do not raise any hindrance in the execution of the order unless there is stay order from the superior Court. SHO concerned to also comply.

04.09.2017*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No