

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

CRM-M-19753 of 2016

Date of Decision: 12.01.2017

Baldev Singh and others

.....Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Naveen Sharma, Advocate
for the petitioners.

RAJ MOHAN SINGH, J.(ORAL)

Petitioners seek issuance of appropriate directions to respondents No.2 and 3 to take action on the representation dated 19.05.2016 filed by the petitioner and to protect person and property of the petitioner from being invaded by respondents No.4 to 7.

Petitioners have pleaded events in the context of agreement to sell and filing of suit for specific performance which was decreed on 06.01.2014 by the trial Court against the petitioners. In appeal before the lower Appellate Court, decree for specific performance was converted into money decree, thereby directing the petitioners to pay the earnest money along with interest. During pendency of the appeal before the lower Appellate Court, sale deed came to be executed. Plaintiff-Randhir Singh filed RSA No.5610 of 2015 which was admitted on 28.10.2015. Petitioners also filed RSA No.381 of 2016 which

was admitted on 15.03.2016.

At the time of admission of the appeal, this Court observed that since sale deed has been executed, therefore, grant of interim order is not feasible. Decree holder moved an application before this Court for withdrawal of the amount and the amount stands refunded to decree holder. Thereafter, on 13.05.2016, the decree holder along with many more persons are alleged to have trespassed in the fields of the petitioners duly armed with deadly weapons. Allegations have been made regarding theft of articles as well as money. A representation was made to respondent No.2 in this context on 19.05.2016, but no action has been taken according to the petitioners.

At this stage, without commenting upon merits of the allegations, this petition can be disposed of by obligating respondent No.2 to look into the matter without being influenced by any consideration and pass necessary order in accordance with law. Respondent No.2 would be at liberty to associate both the parties while arriving at any lawful conclusion.

Disposed of.

12.01.2017

prince

(RAJ MOHAN SINGH)
JUDGE

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No