

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

(1) CRM No.M-26844 of 2012 (O&M)

Mohan Singh

...Petitioners

Versus

State of Punjab and others

...Respondents

(2) COCP No.969 of 2015 (O&M)

Mohan Singh

...Petitioner

Versus

Sh.J.S.Sandhu and others

...Respondents

Date of Decision: January 23, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Balbir Singh, Advocate
for the petitioner.

Mr.Deep Singh, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Dinesh Trehan, Advocate
for respondents No.6 to 9 (in CRM No.M-26844 of 2012).

Mr.M.S.Gill, Advocate
for respondents No.10 to 14 (in CRM No.M-26844 of 2012).

INDERJIT SINGH, J.

Petitioner has filed CRM No.M-26844 of 2012 under Section

482 Cr.P.C. for issuance of directions to respondents No.1 to 3 to protect

the life and liberty of the petitioner and his family members, who have eminent danger to their lives, liberty and property at the hands of respondents No.4 to 14 and further for issuance of a direction to respondents No.4 to 14 not to harass the petitioner and his family members unnecessarily by conducting raids at their house without any cause or reason.

COCP No.969 of 2015 has been filed by the petitioner under Section 11 and 12 of Contempt of Courts Act 1971 read with Article 215 of the Constitution of India for summoning and punishing the respondents for violating the orders dated 03.12.2013 passed by this Court in CRM No.M-26844 of 2012 titled as 'Mohan Singh vs. State of Punjab and others'.

Notice of motion was issued in CRM No.M-26844 of 2012. Learned State counsel as well as learned counsel for private respondents appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the present petitioner, earlier also filed the petition under Section 482 Cr.P.C. for directions to respondents No.1 to 5 to protect his life and liberty and further to ensure that he may not be harassed. That petition was decided by this Court vide order dated 02.05.2011 and the petition was disposed of with the direction to respondent No.3 to decide the representations Annexures P-5 and P-6 of that petition, moved by the petitioner in accordance with law. For the same relief, again the present petition has been filed asking for direction to protect life and liberty of the petitioner and his family members who have eminent danger to their lives, liberty and property.

From the record, I find that there is dispute regarding one Gurudwara constructed by the petitioner on the land of PWD Department. Learned State counsel argued that they are taking the possession as per law after getting warrant of possession and they are not harassing the petitioner, in any way. It is stated in the reply dated 09.04.2013 filed by the State that Mohan Singh has illegally and without any permission or entitlement constructed a small room on the land of PWD on the edge of the road leading Sairon to Dhotian Tehsil and District Tarn Taran, which was used as Gurudwara. Regarding above-said room, a civil suit was filed by Mohan Singh against SDE of PWD Tarn Taran and others, which was decided by learned Civil Judge, Junior Division, Tarn Taran against the petitioner Mohan Singh and in favour of PWD. An appeal was preferred by Mohan Singh, which was decided by learned Addl. Sessions Judge, Amritsar vide appeal No.189 of 2002 and the same was also dismissed. It is further stated in the reply that after the above-said decision, the SDE, Road Bridges Sub Division PWD, B&R, filed an application under Sections, 4, 5 and 6 of the Punjab Public Premises and Land Eviction and Rent Recovery Act, 1973 against Mohan Singh, which was decided on 06.10.2004 by the Collector/SDM in favour of PWD Department and against Mohan Singh. The Collector had passed the order to vacate the said land/premises within 30 days of the date of publication but the same was not got vacated by the PWD Department. It is also in the reply that petitioner did not come to the Court with clean hands. Near the above-said room, a building is under construction in the land of Jasbir Singh, Sukhdev Singh and Gurdial Singh, regarding which no concern of Mohan Singh petitioner is established. It is

placed but full regard and attention was not given to Shri Guru Granth Sahib by the petitioner. An application was moved by Shri Sukhmani Society of village Dhotian to Gurudwara Shiromani Parbandhak Committee, Amritsar and Shri Akal Takht Sahib to maintain the full regard and honour of Shri Guru Granth Sahib in the above-said room. The enquiry was got conducted through an Inspector of the above-said institutes, who found that the application given by Shri Sukhmani Society was correct and sentiments of Sikh Sangat was hurt due to dis-respect to Shri Guru Granth Sahib placed in the above-said room and due to that holy Shri Guru Granth Sahib was taken away by Administrator of Gurudwara Shri Bouli Sahib, Goindwal Sahib with full respect.

It is also stated in the reply that an enquiry was conducted by SHO, Police Station Sarhali on 01.11.2012 and it was found that no other villager except Inspector and employee of Gurudwara Shri Bouli Sahib were present and there was no residential house near the Gurudwara and no one from the area and village Dhotian came to prayer in the premises constructed on the land of PWD and that enquiry was conducted on the application of Mohan Singh petitioner against Sarabjit Singh. The copy of the report is also attached.

The perusal of the record shows that no injuries were caused ever to Mohan Singh. No threats were given. No such FIR or DDR has been got registered by Mohan Singh. The dispute is regarding the land of PWD, upon which the petitioner has constructed a small room in which Shri Guru Granth Sahib was placed, which as per direction of the Shri Akal Takht Sahib, has been shifted to Gurudwara Shri Bouli Sahib, Goindwal Sahib with full respect. The petitioner has also filed a civil litigation, which

was decided against him. The eviction order was passed by the competent Court much earlier to the filing of this petition.

Furthermore, when earlier petition on the same ground was decided by this Court, then second petition on the same grounds is not maintainable. From the record, I find that there is no threat to the life and liberty of the petitioner. Rather, in the guise of this petition, the petitioner wants to put pressure upon respondents, so that the land be not get vacated from him, upon which he is stated to be in illegal possession.

As regarding non-deciding the representations filed by the petitioner before competent authority, I find that it is stated in the reply dated 29.01.2014 filed by the State by way of affidavit of Deputy Superintendent of Police, Sub Division, Patti, that no such representation has been received to this effect. No postal receipts etc. have been placed on record to show prima facie that representations have been sent to the competent authority or when the same were given.

Learned counsel for the petitioner contended that this Court has passed order dated 03.12.2013 in this case vide which a direction was given to respondent-State to ensure that the life, liberty and property of the petitioner is fully protected and as and when any representation is received in this regard, the same be considered without any delay as there are already hostilities in the village.

Learned counsel for the petitioner argued that the petitioner has filed representations but these have not been considered by the competent authority of the State.

In the reply, learned State counsel has stated that no such representation has been received by the competent authority. No postal

receipts have been placed on the record to show that the representations have been sent nor any receipt numbers has been mentioned to show that representations were given to competent authority.

In view of the above discussion, I find that there is nothing, at this stage, on the record to show that the respondents have violated any interim order of this Court.

Therefore, finding no merit in both the petitions, the same are dismissed.

January 23, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No