

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

**CWP No.10034 of 2017 (O&M)
Date of decision: 11.05.2017**

Hem Raj ...Petitioner

Versus

State of Punjab and others ...Respondents.

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

M.M.S. BEDI, J.(ORAL)

The controversy involved in the present case is whether the petitioner is entitled to the user of a gate by opening the door which has allegedly been forcibly closed at the instance of SSP Barnala. In this context, the petitioner has filed a representation to the Director General of Police, Punjab. In the instant writ petition, the petitioner seeks a direction to the police for reopening the door in dispute claiming that the petitioner has got a legally enforceable right being covered under the Punjab Municipal Act for user of the gate in dispute.

After hearing learned counsel for the petitioner, I am of the considered opinion that the allegation levelled by the petitioner are in the nature of determination of civil rights of the petitioner and for the alleged activity of having been deprived of the right of use of his property, the appropriate remedy for the petitioner would be to approach the civil Court. In case, the petitioner is able to satisfy the civil Court that he has got prima facie case to the user of the gate as per the law or as per the easmentory right, it will be open to the civil Court to grant interim relief in the nature of permanent/mandatory injunction restraining any of the persons from

interfering in the free user of the door.

So far as the grievance of the petitioner against the action of the SSP, Barnala is concerned, the same is pending before the DGP Punjab vide representation Annexure P-6, dated 21.04.2017. It will be appreciated in case the Director General of Police, Punjab looks into the matter to ensure that unnecessary favours are not shown to any influential developers to the prejudice of the petitioner. However, no order can be passed directing the above said police authority for restitution of the status of the door in dispute.

The writ petition, in the aforesaid circumstances, is disposed of as not maintainable.

(M.M.S. BEDI)
JUDGE

May 11, 2017
hemlata

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No