

In the High Court of Punjab and Haryana at Chandigarh.

**CWP-13310 of 2017
Decided on 12.9.2017.**

Bhoop Singh and others

--Petitioners

Vs.

State of Haryana and others

--Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Chanderhas Yadav, Advocate, with
Ms. Kashika Advocate, for Mr. Gaurav Chopra, Advocate,
for the petitioners

Mr.Saurav Mohunta, DAG, Haryana

Mr. Gaurav Deep Goyal, Advocate, for respondent No.5.

Rakesh Kumar Jain,J: (Oral)

The petitioners are the residents of village Birbarkhatabad
(Naya Gaon) Sanian, Tehsil Bahadurgarh, District Jhajjar.

The Saini Community, for constructing a Chopal within the
Lal Dora of the village, raised the funds of ₹30,00,000/- and started raising
construction but it was stalled due to the intervention of some
unscrupulous persons. The petitioners had allegedly made a complaint to
the Deputy Commissioner, Jhajjar and others including the S. H.O. Police

Station, Bahadurgarh in this regard, but no action has been taken thereon. Therefore, they have approached this Court for seeking a mandamus.

After notice, the respondents have put in appearance. In the reply filed by the State, it is averred that the petitioners did not file any complaint to the Police Station, Sadar Bahadurgarh, against any person who is trying to intervene in the construction of the Chopal. It is submitted that had there been a complaint made, the police would have looked into it and protection would have been granted.

Learned counsel for the petitioners has submitted that the panchayat has also supported the case of the petitioners for the purpose of construction of the Chopal.

Be that as it may, the fact remains that the petitioners have approached this Court with a prayer that the respondent/State may be directed to provide adequate police protection for the purpose of construction of the Chopal without any interference. They have also stated that respondent No.4-Naib Tehsildar, Bahadurgarh, was appointed as Duty Magistrate by the Deputy Commissioner but still the construction work is stand-still.

I have heard learned counsel for the parties and after examining the record, am of the considered opinion that the petitioners have a right to construct the Chopal for using the same for the community for which they have collected money and the panchayat has also raised no objection in this regard. The construction work cannot be stalled at the instance of some persons who are using muscle powers, therefore, respondent No.2 is directed to look into the grievance of the petitioners thoroughly and

provide them adequate police protection till the construction is over.

With these observations, this petition is disposed of.

12.09.2017
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(Rakesh Kumar Jain)
Judge

Whether Speaking/Reasoned: Yes/No.

Whether Reportable: Yes/No.