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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22101-2015

Date of decision : 06.04.2017

Bharat Singh and others

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. H.S. Deol, Advocate
for the petitioner(s).

Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

The petitioner has approached this Court seeking following relief:-

"Petition under Article 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction, directing the official respondent Nos.1 to 5 to ensure that the petitioners be allowed to enter their residence/village at Village Dhanouri, Tehsil Narwana, District Jind as the accused persons in the FIR No.86 dated 21.04.2013 registered under Section 354, 294, 452, 341 IPC at Police Station Garhi, District Jind (Annexure P-1) and FIR No.94 dated 09.05.2014 registered under Section 306 IPC at Police Station Garhi, District Jind (Annexure P-2) are not allowing the petitioners to enter their residence/village at village Dhanouri, Tehsil Narwana, District Jind.

AND

further issuance of an appropriate writ, order or direction directing the official respondent Nos.3 and 4 to take action on the representation Annexure P-7 dated 01.10.2015, so moved

by the petitioners.

AND

Further issuance of any other writ, order or direction which this Hon'ble Court may deem fit may kindly be passed in the facts and circumstances of the present case."

Keeping in view the facts and circumstances of the case, as regards the relief sought for interference in the house, I am of the view that the petitioners have an alternative remedy of filing the civil suit seeking permanent injunction by establishing the continuous and long possession.

However, as regards the other relief with regard to the representation (Annexure P-7), which according to the reply of the State, has already been decided, I deem it appropriate to grant liberty to the petitioners to make a fresh representation to the Senior Superintendent of Police, Jind, who is directed to decide the same in accordance with law after giving the opportunity of hearing to the petitioners and in case, it is found that the life and liberty of the petitioners under threat, then appropriate police protection shall be provided.

With the aforesaid observations, the present writ petition stands disposed of.

06.04.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes**

Whether Reportable **No**