

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 2945 of 2014
Date of decision: 28.4.2017

Kuldip Singh and ors

Petitioners

vs.

State of Punjab and ors

Respondent

Present: Mr. Vikas Bahl, Sr. Advocate with
Mr. Ramandeep Singh, Advocate.
Ms. Anu Pal, AAG, Punjab
Mr. Brijeshwar Singh, Advocate for respondent No.4
Mr. CS Bakshi, Advocate for respondent No.6

M.M.S.BEDI,J.

Vide cryptic order dated 3.2.2014 (Annexure P-6) , National Commission For Scheduled Castes, has issued a direction that the petitioners have been in illegal occupancy of khasra No. 195, Homeopathic Dispensary, Naya Gaon, Karora, District SAS Nagar, as such, illegal occupancy should be removed.

The above said order has not been passed by giving any opportunity of hearing to the petitioners and is apparently without the sanction of law as the controversy regarding the nature of the possession of the property in dispute is subject matter of civil suit, pending at Kharar and an FIR has also been registered u/s 452 and other relevant Sections of IPC.

Accordingly, the impugned order being without jurisdiction, the writ petition is allowed and the impugned order (Annexure P-6) is hereby set aside. The decision of this petition, will not, in any manner, prejudice the rights of the parties, which are yet to be determined, before any form i.e. civil court or criminal court.

April 28 ,2017
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether Reportable

Yes/ No