

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-26927-2016 (O&M)
Decided on : 21.08.2017

Harbinder Singh Baidwan

. . . Petitioner

Versus

Union of India and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AVNEESH JHINGAN

PRESENT: Mr. Harbinder Singh Baidwan, petitioner in person.

Mr. P.P.S. Thethi, Addl. A.G., Punjab.

S.S. SARON, ACTING CHIEF JUSTICE.

CM-579-2017

This application has been filed for placing on record Annexures P-13 to P-15.

Application is allowed as prayed for and Annexures P-13 to P-15 are taken on record subject to all just exceptions.

CWP-26927-2016

Learned State counsel has filed status report by way of an affidavit of Sh. Ramandeep Singh, PPS, Deputy Superintendent of Police City-II, District SAS Nagar (Mohali), on behalf of respondent No. 2 i.e. State of Punjab. The same is taken on record.

The petitioner who is an Advocate of this Court has filed the present petition under Articles 226/227 of Constitution of India seeking quashing of the notification dated 23.07.2007 (Annexure P-1) whereby Section 42-A has been added to the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948 (for short 'the Act'). A further prayer has been made for directing States of Punjab and Haryana not to unsettle the settled principles of law in the name of Rural Development. It is further

prayed that a direction be issued to respondent No. 1 to immediately ban Rashtriya Swyamsewak Sangh (RSS) and its offshoot organizations as these are a threat to the national security, internal disorder in the country, besides being unlawful, anti constitutional and separatist organizations. A further prayer has been made for directing respondent No. 1 to immediately implement the Jai Kisan Revised National Policy for Farmers (Annexure P-9) which is pending before the Government of India since 13.04.2006 so as to stop the exploitation of the farming community of India, which has been working without being paid for their labour in this country. It is further prayed that the State Governments of Punjab and Haryana be directed to partition the Abadi Deh Land where the weaker sections of the society dwell. The partition of lands, it is submitted, is liable to be carried out according to Sections 16-A, 20, 21, 22 and 23 of the Act and ownership rights in the revenue records of the Revenue Authorities are liable to be given to the owners. It is further prayed that the State Governments of Punjab and Haryana should not abuse the process of law and threaten the farmers through rural development authorities for eviction from lands titled as "*Jumla Mushtarka Malikaan*" "*Hasab Rasad zar Khewat*" "*Hasab Rasad Mulguzari*" "*Hasab Rasad Paimana Malkiyat*" and "*Hasab Rasad Rakba Khewat*" which also are liable be partitioned in terms of Sections 16-A, 20, 21, 22 and 23 of the Act.

From the perusal of above, it is quite evident that the petitioner has made various prayers in the present petition. His main grievance, however, is that his father Sh. Karnail Singh had got registered FIR No. 0008 dated 09.01.2017 at Police Station Sohana, District SAS Nagar against Didar Singh son of Gurmail Singh, Dalbir Singh son of Gurmail Singh, Baljinder Kaur wife of Dalbir Singh, Gurmeet Kaur wife of Didar Singh, Sukhbir Singh son of Dalbir Singh and Baldev Raj Chopra son of Amral Singh.

According to the petitioner in the FIR lodged by his father namely, the accused Didar Singh, had filed a cross case against him in the same FIR. As per the status report that has been filed, the cross case registered against the petitioner and others at the behest of Didar Singh has been cancelled and a cancellation report is being filed in the Court concerned. As regards other prayers noticed above, the petitioner appearing in person submits that he may at this stage be allowed to withdraw the petition.

The petitioner, however, submits that he apprehends threat to his life and liberty for which he has also filed a representation dated 14.01.2017 (Annexure P-15) which is also addressed to the Director General of Police, Govt. of Punjab, Punjab Police, Head Quarters, Sector-9, Chandigarh.

The said representation of the petitioner be considered by the Director General of Police, Govt. of Punjab and in case of threat perception, adequate measures be taken in accordance with law.

The civil writ petition is accordingly disposed of.

(S.S. SARON)
ACTING CHIEF JUSTICE

August 21, 2017

Divyanshi

(AVNEESH JHINGAN)
JUDGE

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