

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 25072 of 2017

Date of decision : November 6, 2017

Darshan Singh

..... **Petitioner**

Versus

The State of Punjab and others

..... **Respondents**

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Anuj Raura, Advocate and
Mr. Junaid Singh Bakshi, Advocate
for the petitioner.

RAKESH KUMAR JAIN, J (oral).

This petition is filed for seeking a writ in the nature of mandamus directing respondent Nos. 4 to 6 to ensure and protect the entry and possession of the petitioner over his land by providing police protection so that he may be able to cut his crops.

During the course of hearing, learned counsel for the petitioner has submitted that the standing crop has been cut by the private respondents illegally. The case of the petitioner is that he had purchased the said land in the year 1989 to which he has been delivered possession on 3.7.2017. The petitioner was not getting water to his land, therefore he moved an application to the Financial Commissioner(Appeals) in ROR No. 18 of 2017 which was filed by the respondents against the order dated 1.7.2016 by which partition was effected. The said appeal is pending before the Financial Commissioner in which proceedings before the Revenue Court has been stayed till further orders. The application filed by the petitioner was disposed of by Financial Commissioner on 14.3.2017 by directing the

SDM/Collector to get the spot inspected by the revenue officer to ensure that water is made available to all the share holders equally, till the petition is decided. Thereafter, another application filed before the Financial Commissioner (Appeals) was decided on 12.6.2017 directing the Collector and Revenue officer to ensure compliance of the order dated 14.3.2017. In the meantime, the petitioner has alleged that the respondents are quarrelsome persons who have damaged the barbed wire which was erected after getting the possession in the partition proceedings. In that matter, the enquiry was got conducted by the SP Ferozepur through SP (Sub Division), Ferozepur who has submitted his report dated 24.6.2017 in which he had opined that no such quarrel had taken place.

Be that as it may, the basic dispute raised by the petitioner is regarding the supply of water. This question is yet to be decided by the Financial Commissioner against which an appeal is pending before him. Insofar as, the issue regarding protecting the petitioner from unnecessary harassment by the private respondents is concerned, the petitioner has an efficacious alternative remedy to file the suit for permanent injunction to restrain anybody who is trying to invade his privacy but insofar as the present petition is concerned, I do not find any reason to interfere. The petitioner may, if so advised, avail his remedy of civil suit.

The petition is disposed of.

(RAKESH KUMAR JAIN)
JUDGE

November 6, 2017
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No