

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No. 25636 of 2017

Date of Decision: 10.11.2017

Kuljit Singh and Others

... Petitioners

V/s.

***Punjab Small Industries & Export Corporation Ltd.
and others***

...Respondents

CORAM: HON'BLE MR. RAKESH KUMAR JAIN

Present: Mr. Khushbir K. Bhullar, Advocate,
for Mr. Prabhjot Singh, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (Oral)

Learned counsel for the petitioners inter-alia contends that the petitioners were given land measuring 2238 Sq. yards (Plot) falling in Khasra Nos. 26/27 by the Punjab Wakf Board, Chandigarh vide lease deed dated 22.10.2007 on a monthly rent/lease money @ ₹2,500/- commencing from 01.07.2007. After obtaining the possession, the petitioners have allegedly raised a boundary wall around the plot and are in possession since 2007. In 2008, respondent No. 4 tried to dispossess the petitioners illegally on the ground that the land has been acquired by their department.

The petitioners have filed an application under Right to Information Act, 2005 to find out as to whether the said land has been acquired by the respondent No. 1 or not. It is submitted that as per the information supplied to them under the RTI, Act, the said land is not acquired by respondent No. 1. Not only that respondent No. 1 has filed a suit for permanent injunction in order to restrain the petitioners from encroaching upon the green belt of plot bearing No. 78-79. The said suit was dismissed by the trial Court on 28.07.2015. Thereafter, civil appeal was filed by respondent No. 1 which was also dismissed by the appellate Court on 05.09.2017.

It is alleged that the petitioner has also made a complaint to the S.H.O, Civil Lines Police Station, Batala in order to restrain respondent No. 1 from interfering in their possession. Similar complaint was also written to the S.S.P, Batala.

Learned counsel for the petitioners has submitted that respondent No. 1 has no concern with the plot in question as it is owned by the Punjab Wakf Board and the petitioners have entered into the lease deed as lessee by the Board. It is, thus, prayed that appropriate directions may be issued to the S.H.O., Civil Lines Police Station, Batala as well as to the S.S.P, Batala for taking action against respondent No. 4 in order to restrain them from interfering in their possession.

I have heard learned counsel for the petitioners and after perusal of the record, am of the considered opinion that the best course open to the petitioners is to file a suit for permanent injunction themselves in order to restrain respondent No. 1 from interfering in their possession. So far as their complaint made to the respondents No. 2 and 3 is concerned, respondent No. 2 and 3 can only interfere in this matter if some FIR is registered. But since, there is Corporation on the other side, therefore, instead of taking recourse of pursuing the complaint filed before the S.H.O., Civil Lines Police Station, Batala and to the S.S.P, Batala, the best course open to the petitioners is to file civil suit before to the competent Court.

With these observations, the petition is disposed of.

November 10, 2017
Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	Yes / No