

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

260

CRM-M-26716-2014 (O&M)
Date of Decision: December 10, 2018

Ram Kumar

...Petitioner

Versus

Surinder Singh & others

...Respondents

CORAM:-HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Sandeep Kaur Randhawa, Advocate for
Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. M.K. Singla, Advocate
for respondent No.1.

ARVIND SINGH SANGWAN, J. (Oral)

This petition is for quashing of the order dated 27.09.2012, Annexure P-8 passed by the Sub Divisional Magistrate as well as the judgment dated 02.04.2014, Annexure P-10 passed by Additional Sessions Judge, Sangrur, dismissing the revision petition. As per the allegations in the complaint, respondents No. 1 and 2 had filed a petition under Section 133 Cr.P.C for removing the encroachment on a public passage (Phirni). The Sub Divisional Magistrate vide impugned order dated 08.03.2006 had directed the petitioner to vacate the land.

Thereafter, the petitioner filed a Civil Suit No. 101 dated 13.05.2008, in which the application filed under Order 39 Rule 1 and 2 was decided on 12.05.2011 observing that the stay granted by the Civil Court will have no bearing, on the proceedings pending before Sub Divisional Magistrate under Section 133 Cr.P.C, as the same are being undertaken in due process of law.

Thereafter, the Sub Divisional Magistrate passed the impugned order (Annexure P-8) directing the petitioner to remove the obstruction on a public passage within a period of 10 days. This order was challenged by the petitioner in a revision petition before the Additional Sessions Judge and the same was dismissed vide impugned order dated 02.04.2014 (Annexure P-10)

Learned Counsel for the respondent submits that the obstructions have already been removed from the spot and, therefore, nothing survive in this present petition.

Accordingly, this petition is rendered infructuous.

(ARVIND SINGH SANGWAN)
JUDGE

December 10, 2018

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No