

122.

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

CRM-M-28652-2018 (O&M)

Date of decision:11.07.2018.

LALAN WALA PEER KHANA WELFARE COMMITTEE ... Petitioner

versus

STATE OF PUNJAB AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Arvind Rajotia, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for issuance of a direction to the respondents to extend protection to the petitioner to enable it to organize annual bhandara/langar.

Learned counsel for the petitioner states that the petitioner is organizing a langar as a annual feature and last time also, it organized such langar, for which, this Court had directed to the authorities to take necessary steps to prevent untoward incident during langar so organized. He refers to the order passed by this Court in CRM-M-20777-2017 titled as Lalan Wala Peer Khana Welfare Committee Versus State of Punjab and another, decided on 02.06.2017.

Notice of motion.

On the asking of the Court, Mr. Rana Harjasdeep Singh, DAG,

Punjab, accepts notice on behalf of State-respondents.

At this stage, Mr. Mohd. Yousaf, Advocate, has also put in appearance on behalf of Kabarstan Intezamia Committee and has filed his vakalatnama, which is taken on record.

Let requisite number of copies of paper book be given to learned counsel appearing on behalf of the respondents during the course of the day.

Mr. Yousaf states that the property where the petitioner intends to organize the langar is the subject matter of dispute before the Civil Court, and the parties have been directed to maintain status quo. He further states that the property is not a Peer Baba, as projected by the petitioner, rather it is a property of the kabristan and as per the islamic tenets, langar cannot be organized in a place which is a kabristan. He further states that even the status of Peer Baba is also in dispute, as there is no grave of any Peer Baba at the site in dispute.

I have heard learned counsel for the parties.

Similar situation had arisen before this Court in CRM-M-20777-2017 (supra) and vide order dated 02.06.2017, this Court had directed the SSP concerned to take necessary steps to prevent any untoward incident or mis-happening. Having regard to the fact that the parties are already in *lis* by way of a civil suit which is pending before the civil court, though the petitioner was required to approach the civil court for the relief claimed in this petition but as the langar is scheduled to be fixed for 14.07.2018, this Court considered it necessary to intervene under Section 482 Cr.P.C. more particularly when the last year also this Court had interfered for the similar relief.

Observing that the right remedy for the petitioner was to approach the civil court, but noticing 14.07.2018 as a very close date for organizing langar, the Senior Superintendent of Police, District Sangrur i.e. respondent No.2 is directed to take all necessary steps to prevent any untoward incident or mis-happening during the community get together.

Merely because the SSP is being directed to take necessary steps of any untoward incident, shall not construe any expression to the claim of the petitioner to organize bhandara. The limited direction to the SSP concerned is only to prevent any untoward incident or mis-happening during the community get together.

The direction so issued to the SSP shall not be taken as an expression over the title of the property pending in the Civil Court. The Civil Court shall independently decide the suit without being influenced by this order.

Disposed of.

(HARI PAL VERMA)
JUDGE

11.07.2018
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No