

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 14130 of 2017

Date of Decision: 05.07.2018

PT. MANOHAR LAL

...Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Sandeep Jain, Advocate, for the petitioner.

Mr. Sahil Sharma, DAG, Punjab.

Mr. S.S. Siao, Advocate, for respondents No. 6 and 7.

Mr. Sanjiv Gupta, Advocate, for respondent No. 8.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is aggrieved against the order dated 05.06.2017, purported to have been passed by SHO, Police Station, Kotwali-Nabha, District Patiala.

Learned counsel for the petitioner has submitted that the respondent No. 6 had exceeded its jurisdiction by issuing order of injunction against the petitioner. On the other hand, learned counsel for the respondents have submitted that the respondent No. 7 has only informed the petitioner that since order of status quo has been passed in CWP No. 19395 of 2010, therefore, the petitioner may not raise any kind of constructions till fresh order is passed.

I have heard learned counsel for the parties and perused the record.

Although, the petitioner is agitated that there is a restraint order passed by respondent No. 7 who had no jurisdiction to pass such kind of order but he has not denied that the order of status quo has been passed by

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this Court in CWP No.19395 of 2010 and was operating at that time. It is also not denied that the said order is still operating as on today also.

The petitioner has also admitted that he has to obey the order of the High Court till it is set aside or modified. All that has been done by respondent No. 7 was to warn the petitioner that he should not raise any kind of construction which would tantamount to violating the status quo order passed by this Court, but still the petitioner is aggrieved against the language having been used by respondent No. 7, which according to the petitioner is an order.

In view of the above, the present writ petition is hereby disposed of by expunging the last two lines of the impugned order dated 05.06.2017 which reads as under: -

“Till the decision of the Hon’ble High Court, no new constructions be raised.”

The said lines of the impugned order are hereby expunged but rest of the order is maintained as it is.

It is clarified that this order will not give any kind of liberty to the petitioner to raise any kind of construction as the status quo order is still operating.

July 5, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

Yes / No