

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

**CWP No. 7455 of 2018
Date of Decision: 26.3.2018**

Tushir Education Society

.....Petitioner

v.

State of Haryana and others

.....Respondents

CORAM HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Sanjiv Gupta, Advocate, for the petitioner

RAKESH KUMAR JAIN, J.

Prayer made in this petition is for the issuance of a direction to the official respondents to provide proper police help to restrain respondents No. 4 and 5 from interfering in the affairs of the petitioner.

In short, the petitioner has already filed a civil suit for permanent injunction along with an application for temporary injunction against respondents No.4 and 5 and one other. The said application was allowed on 4.1.2017. The respondents were restrained. The appeal filed by one of the defendants against the order of the trial Court was dismissed on 9.9.2017. Since respondents No.4 and 5 did not desist from interfering into the affairs of the petitioner, therefore, the petitioner approached the local police i.e. SHO, Police Station Kundli, for providing police help but no such police help was provided. Thereafter, the petitioner filed an application before the Court in which the suit for permanent injunction was pending. The said application was declined on 31.5.2015. The petitioner filed CWP No. 8701 of 2017 before this Court which is now fixed for 7.5.2018 because at the time of preliminary

hearing the Court recorded an order on 7.2.2018, to the effect that “during the course of hearing when posed the question how with the help of police, an educational institution can be run, learned counsel for the petitioner seeks adjournment to assist the court”. Since the petitioner has sensed that it would not get any favourable order in the Civil Revision, therefore, it has preferred the present petition for the same purpose. Learned counsel for the petitioner has vehemently argued that the respondents are interfering in their affairs for which asking for the police help is a genuine demand which should have been allowed by the police authorities much less the Court below as well.

I have heard learned counsel for the petitioner and after taking into consideration the aforesaid facts and circumstances, am of the considered opinion that there is no merit in the present petition especially when the petitioner is already before this Court by way of a civil revision against the order by which the trial Court has declined the police help and secondly, the petitioner has the remedy of moving an application for taking the alleged private respondents to task in terms of Order 39 Rule 2A of the CPC.

With these observations, the present petition is dismissed.

(RAKESH KUMAR JAIN)
JUDGE

26.3.2018

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No