

S.No.116

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

CRM-M-37779 of 2019 (O&M)

Date of Decision:06.09.2019

Rajinder KaurPetitioner

Vs.

State of Punjab and othersRespondents

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. V.K. Sandhir, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 482 Cr.P.C for issuance of appropriate directions to respondent No.1 and 2 to restrain respondents No.3 and 4 from transgress his powers/ misusing his official powers to illegally surrender the possession of plot of the petitioner in favour of property dealers, namely, Babla s/o Bhola Singh and Jaswant Singh, whereas petitioner is lawful owner of plot cannot be forced to part with the possession illegally and forcibly in favour of builder/ property dealer.

This Court has already held in another petition i.e. **CRM-M-20457 of 2019 decided on 06.05.2019**, that unless the statutory proceedings have already been initiated by a statutory authority or a Court, under Code of Criminal Procedure (for short, 'Cr.P.C'), Section 482 Cr.P.C cannot be invoked for issuance of any direction to the Police or the authorities. Still further it has been held that a petition under Section 482 Cr.P.C., for enforcement of fundamental right to life and liberty is not maintainable. The remedy can be a writ petition under Article 226 of Constitution of India.

In view of the above, counsel for the petitioner seeks permission to withdraw the petition with liberty to avail alternative remedies; in accordance with law.

Dismissed as withdrawn with liberty aforesaid.

September 06, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No