

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-30906-2019 (O&M)

Date of Decision:-16.11.2019.

Maj. Ajit Singh Mehal (Retd.)

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Amit Chaudhary, Advocate for the petitioner.

Mr. R.K. Doon, AAG, Haryana.

SANJAY KUMAR, J. (Oral)

Short affidavit dated 16.11.2019 of the the Deputy Superintendent of Police, Kurukshetra, on behalf of respondent Nos.1 to 3, was filed today in Court and was taken on record. Copy thereof was furnished to the learned counsel for the petitioner.

By way of this writ petition, the petitioner, a retired Major of Indian Army, seeks protection of his life and liberty and also that of his family members from respondent Nos.4 to 7.

It is his case that the said respondents are politically well connected and are influential and in consequence thereof, the complaints made by him to the police authorities are not being acted upon. However, perusal of the representation dated 17.10.2019 (Annexure P-3) made by the petitioner to the Station House Officer, Police Station Shahbad Markanda,

protection for harvesting the standing crop in the land claimed by him. It is not open to the police authorities to decide issues of title, if there are any, and extend police protection to one or the other rival claimants. If any such dispute is in existence, it is for the aggrieved party to approach the civil Court of competent jurisdiction to obtain an injunction to protect his rights. Without doing so, the petitioner cannot seek police protection to carry out any harvesting operations in the land claimed by him. Further, this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution cannot resolve such disputed question of title on the strength of exchange of affidavits. Be it viewed from any angle, the petitioner is not entitled to seek the relief sought by him by way of his representation dated 17.10.2019 (Annexure P-3) either from the police authorities or from this Court, by way of a writ petition.

The writ petition is accordingly dismissed leaving it open to the petitioner to invoke appropriate remedies available to him in law before the proper forum. It is however made clear that in the event the petitioner makes any complaint with regard to commission of any criminal offence against him or his family members or his property, the police authorities concerned shall take appropriate action thereon in accordance with law.

No order as to costs.

Pending civil miscellaneous application, if any, shall stand disposed of.

(SANJAY KUMAR)
JUDGE

November 16, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.