

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

**CR No.4072 of 2018(O&M)
Date of Decision-15.02.2019**

Sukhdev Singh Bajwa and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurcharan Dass, Advocate for the petitioners.

Ms. Anu Pal, DAG, Punjab.

RAJ MOHAN SINGH, J.

[1]. Petitioners have preferred this revision petition for issuance of directions to the respondents to produce revenue record as mentioned in the applications dated 04.01.2016 and 22.04.2016 filed by petitioner No.1 vide which summoning of witnesses on payment of diet money/PF was sought.

[2]. Plaintiffs/petitioners filed a suit for mandatory injunction directing the defendant/State to remove all illegal encroachments over the suit property as shown in the headnote of the plaint and to allot the land to the plaintiffs as per rules after giving due notice to the tress-passers. Permanent injunction was also sought, restraining the defendants from permitting further encroachment by unauthorized persons. Plaintiffs alleged that illegal encroachments have been made by the encroachers on public land for which mandatory injunction was sought for

removal of the same. Plaintiffs sought to summon officials with relevant record by moving the aforesaid two applications dated 04.01.2016 and 22.04.2016. The applications were allowed and the amount was allowed to be deposited at own responsibility of the plaintiffs. At the relevant time, defendants were *ex parte*.

[3]. In the interlocutory orders dated 18.03.2016, 31.03.2016, 06.04.2016, 05.05.2016 and 20.05.2016, it was recorded by the trial Court that the officials appeared before the Court have made statements in respect of non-availability of record in their office. The *ex parte* proceedings against the defendants were set aside. After their appearance in the Court, the statements were recorded to the same effect that the record was not traceable in the office.

[4]. Vide order dated 26.07.2018 passed by this Court, respondent No.2 was directed to depute some responsible officer to attend this Court along with relevant record. An explanation on affidavit was also required to be furnished in respect of untraced record. Proceedings before this Court on 13.09.2018, 24.09.2018, 06.10.2018, 30.10.2018 and 23.01.2019 would indicate that in respect of missing record, a criminal case has already been registered. The factum of inquiry earlier conducted by the administration has also come to fore.

[5]. During course of hearing of the case, it has been revealed that part of record has already been re-constructed. The

law will take its own course in respect of investigation of the criminal case.

[6]. At this stage, since only photocopy of the record is available, therefore, petitioner would be at liberty to avail legal remedies in respect of missing record subject to proving existence and loss of the documents in accordance with law.

[7]. In view of above, this revision petition is disposed of.

(RAJ MOHAN SINGH)
JUDGE

15.02.2019
Prince

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No