

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

CRM-M-7948-2020
Date of decision: 24.02.2020

Neeraj Malhotra and another **...Petitioners**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rajeev Gupta, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of directions to official respondents to take appropriate action against respondent Nos. 3 and 4 for trying to trespass in the house of petitioner No. 1 for the purpose of taking its forcible possession on 16.02.2020.

Learned counsel for the petitioners submits that petitioner No. 1 is the owner in possession of the house in dispute in pursuance to an agreement to sell dated 17.07.2018 and respondent No. 3, despite receiving an amount, is trying to dispossess the petitioner from the said property by setting up a case that petitioner is a tenant in the said property.

Learned counsel further submits that petitioner No. 1 has filed a suit for permanent injunction before the Civil Judge (Sr. Divn.), S.A.S. Nagar, Mohali and even respondent No. 3 has filed a rent petition seeking eviction of the petitioner from the property in dispute.

Admittedly, once respondent No. 3 has filed a petition under Section 13 of the East Punjab Urban Rent Restriction Act for ejectment of the petitioner, the respondent has admitted the petitioner to be in possession

of the property in dispute though the petitioner in her suit is claiming that she is the owner of the property on the basis of the said agreement to sell.

Be whatsoever, it is a matter to be decided by the Civil Court and no plausible reason is made out to issue any direction to the police authorities to restrain the private respondents from the alleged trespass as admittedly, the Civil Court, in the suit filed by petitioner No. 1, has not granted any interim injunction.

Therefore, finding no merit in the present petition, the same is hereby dismissed.

24.02.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No