

Sr. No.103

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

CRM-M-17365 of 2020 (O&M)

Date of Decision: 03.07.2020

Harbans Lal and another

...Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. B.S. Jaswal, Advocate,
for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

This is a petition under Section 482 Cr.P.C., inter alia, seeking direction to respondent No.2 to look into the requests made by the petitioner contained at Annexures P-6 and P-7, respectively and take action on the same.

2. Briefly, Kanwaljit Singh Bhinder (respondent No.7 herein) was appointed as lawful attorney by Gurcharan Singh, Jagir Singh and Joginder Singh vide registered power of attorney dated 05.01.2011 to pursue the case with regard to the property located in village Arai Majra, Tehsil and District Patiala. Jagir Singh, who is one of the executants of attorney died on 24.04.2012. Thereafter, respondent No.7 in connivance with revenue officials as well as with the local police is trying to grab the land of poor people in the area, asserts the petitioner.

3. Respondent No.7 moved an application for correction of khasra Girdawari before the Assistant Commissioner IInd Grade, Patiala. In the said case, respondents are Gurcharan Singh, Joginder Singh and Jagir Singh through their attorney Sh. Kanwaljit Singh Bhinder. Respondent No.7 put an appearance on behalf of all the respondents, it was in his knowledge that one of

the executants had already died and made a statement that he has no objection if the khasra girdawari is ordered to be corrected. On his statement, the Assistant Commissioner IInd Grade passed an order against the interests of the petitioners, who were in possession at the spot.

4. Aggrieved against the order dated 04.09.2014 passed by the Assistant Commissioner IInd Grade, Patiala, the petitioners challenged the same before the learned Collector, Patiala and the appeal was allowed and order of Assistant Collector Grade II was set aside.

5. When petitioners came to know that respondent No.7 made a statement representing a dead person and got illegal orders in his favour, they moved an application through their attorney to the Director General of Police Punjab, Inspector General of Police and Senior Superintendent of Police, Patiala with a request to proceed against respondent No.7 but till date no action has been taken so far on their application. Hence this petition.

6. Learned counsel for the petitioners submits that instead of taking action against respondent No.7, the respondents No.5 and 6 on the pressure of ruling party are calling the petitioners on each and every day and forcing them to withdraw their complaints and to settle the matter with respondent No.7.

7. Without expressing any opinion on the merits of the case, respondent No.4 Senior Superintendent of Police, Patiala is directed to look into the representation/complaint of the petitioner contained at Annexure P-7 and to take action in accordance with law, as expeditiously as possible.

8. It is made clear that the direction issued to respondent No.4 shall not, in any manner, be construed that an action is to be taken, if otherwise, it is not warranted. Therefore, it is open to the satisfaction of respondent No.4 and/or any other official deputed by him to look into the complaint of the petitioners and proceed in accordance with law.

9. Disposed of in above terms.

03.07.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No