

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

CWP-(PIL)-103-2020 (O&M)

Date of decision:- 17.08.2020

Harbinder Singh Baidwan

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Harbinder Singh Baidwan (petitioner-in-person).

Mr. P.S. Bajwa, Additional Advocate General, Punjab.

Mr. Pankaj Jain, Advocate,
for respondents No. 2, 3 & 6.

Mr. J.S. Toor, Advocate,
for respondent No. 4.

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RAVI SHANKER JHA, C.J. (ORAL)

With the consent of learned counsel for the parties, the matter is being taken up and heard via video conferencing.

This petition has been filed by the petitioner allegedly by way of public interest litigation seeking the following reliefs:-

(i) Issue a writ in the nature of mandamus directing the respondents No. 2 and 3 to protect the public property of respondent No. 5 from the respondent No. 7 who is trying to usurp the public property in connivance with the concerned public servants and the members of the Society i.e. respondent No. 5.

(ii) Issue a writ in the nature of mandamus directing the respondent No. 4 to immediately seal the illegal Pathological Laboratory being operated by respondent No. 7 and cancelling the authorization given to them vide Annexure P-35 dated 09.07.2019 as the same has been taken by misleading respondent No.4 illegally, unconstitutionally and cheating the people in the name of charity as it has become a bio-medical

hazard for the minor children who are being imparted education in the premises of respondent No. 5.

(iii) Issue a direction against the respondent No. 6 to register an FIR against the culprits for destroying the revenue records/maps/building plans of respondent No. 5 and further trying to forge and tamper by creating a forged/record file.

(iv) Issue a direction to the respondents No. 2, 3 and 5 not to interfere in the peaceful functioning of Preparatory School, Sewing Centre and respondent No. 8 by stopping them as the same are functioning according to the aims and objectives of the Society/respondent No. 5.

(v) Issue a direction to the respondents No. 2 and 3 to recover the property and damages to the property of the respondent No. 5 from the members of respondent No. 5 and the tress-passer i.e. respondent No. 7 by executing the proceedings of the eviction notice dated 20.02.2015 (Annexure P-24) issued by respondent No. 3.

From the aforesaid, it is apparent that while the petitioner is seeking action against respondents No. 2, 3 and 5, he is also asking for relief of not dispossessing or interfering in the possession of respondent No. 8. Record of the Court indicates that RSA No. 4567 of 2017 filed by respondent No. 8 against the eviction proceedings initiated against it are pending before this Court in which the petitioner is appearing for respondent No. 8 as its counsel. In the circumstances, it is evident that the petitioner being the Advocate for respondent No. 8, who is sought to be evicted from the premises, is on the one hand appearing for respondent No. 8 in the RSA pending before this Court and on the other hand is filing the petition allegedly in public interest against respondents No. 2, 3 and 5 regarding continuance of respondent No. 7 as a tenant in the premises. Apparently, there is direct conflict of interest between respondents No. 7 and 8 and consequently between the petitioner and respondent No. 7 as the petitioner is appearing

as a counsel for respondent No. 8. In the circumstances, it is evident that the present petition is not a public interest litigation and lacks bonafide.

The petition is accordingly dismissed as not maintainable.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

17.08.2020
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No