

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30029-2020(O&M)

Date of decision: 07.10.2020

Bhullar Sabha

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Lupil Gupta, Advocate, for the petitioner

Ms. Samina Dhir, DAG, Punjab

ANIL KSHETARPAL, J. (ORAL)

On 5.10.2020, the following order was passed by this Court:-

“On perusal of the paper book, it is apparent that the proceedings under Section 145, 146 Cr.P.C, were dropped by the Sub Divisional Magistrate, on 19.3.2020 and the Receiver (Tehsildar Rampura Phul) was directed to hand over the possession of the land to the petitioner. It is claimed that the aforesaid order has become final, however, the possession of the land has not been handed over by the Receiver.

Keeping in view the aforesaid facts, Ms .Samina Dhir, DAG, Punjab, is requested to seek instructions in the matter and assist this Court.

Adjourned to 7.10.2020.”

Ms. Samina Dhir, DAG, Punjab has made a statement that the receiver (Tehsildar) initially sought permission from the Deputy Commissioner to hand over possession of the land to the petitioner-Sabha which was granted. Thereafter, once again the Deputy Commissioner-cum-District Magistrate has been requested to provide police help as there is apprehension of trouble. She submits that the moment the police help is provided, the possession would be handed over to the petitioner-Sabha.

In the present case, Sub Divisional Magistrate dropped the proceedings under Section 145, 146 Cr.P.C on 19.3.2020. Thereafter, the receiver has no right to continue in possession of the property.

Keeping in view the aforesaid undisputed position, the Receiver (Tehsildar Rampura Phul) is directed to hand over the possession of the land to the petitioner – Sabha within one week from today, failing which the petitioner shall at liberty to initiate proceedings under the Contempt of Courts Act, 1971.

Disposed of in the above terms.

07.10.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No