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

CWP-18573-2020 (O&M)
Date of decision: 05.11.2020

Bhupender Singh Kundu

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S. Warring, Advocate for the petitioner.

Mr. Samarth Sagar, Addl. A.G. Haryana.

ANIL KSHETARPAL, J. (ORAL)

This writ petition has been filed under Article 226/227 of the
Constitution of India with the following substantive prayers:-

- “i) issuance of a writ in the nature of mandamus directing the respondent Nos.1 to 5 to look into the complaints/representation moved by the petitioner from where cognizable offences are made out against the respondent Nos.6 to 22 and permanent poles/pillars may kindly be installed as per the revenue record (Annexure P-2) after demarcating the land of the petitioner keeping in view that the petitioner is ready to bear all the expenses;*
- ii) It is further prayed that appropriate directions may kindly be issued to respondent No.2 to conduct the demarcation of the land of the petitioner with the help of latest equipment by appointing Commission including any*

Gazetted Officer as well as police officials so that fencing wire may be installed on the boundary of the land of the petitioner and 'Naksha Ifawat' (map) be also prepared keeping in view that the petitioner is ready to bear all the expenses for the same;

iii) Further prayer to direct the official respondents to take relevant action under the provisions of law to protect the life & liberty of the petitioner, his family members and property of the petitioner from the hands of respondent Nos.6 to 22 and their agents in view of Article 21 of the Constitution of India, as the respondents No.6 to 22 in connivance with each other are continuously harassing and threatening to eliminate the petitioner and are continuously making attempts to encroach the land of the petitioner illegally;”

The petitioner and his family claims ownership over the land measuring 14 kanals 19 marlas described in para 2 of the petition. The petitioner has pleaded that the land is located at a prime location and is abutting two main roads. It is also claimed that the land is situated near the abadi. The petitioner claims that private respondent No. 6 to 21 illegally trespass into the land and create hindrance in his peaceful possession. In para 6, the petitioner has pleaded that the demarcation of the said land was conducted in the presence of respectable of the village.

The petitioner in the present writ petition claims that respondent No. 1 to 5 be directed to look into the complaints/representation made by the petitioner. It is further prayed that respondent No.2 be directed to demarcate the land.

Keeping in view the facts of the case, this Court is of the

opinion that it would not be appropriate to exercise jurisdiction under Article 226/227 of the Constitution of India in the facts of the present case. The petitioner may, if so advised, file a civil suit and/or criminal complaint before the Magistrate.

With these observations, the petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of in view of the abovesaid judgment.

05.11.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No