

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

**CRM-M-37736-2019 (O&M)
Date of Decision : 07.02.2020**

Tehal Singh and others Petitioners

Versus

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE RAMENDRA JAIN

Present : Mr. Tarun Sharma, Advocate
for the petitioners.

Mr. N.K.Banka, DAG, Punjab.

RAMENDRA JAIN, J. (Oral)

Through this petition under Section 482 Cr.P.C., prayer has been made by petitioners for quashing DDR No.15 dated 08.05.2016, registered under Section 145 Cr.P.C. and order dated 08.05.2016 (annexure P-6), passed by Sub Divisional Judicial Magistrate, Ferozepur, whereby, appointing Station House Officer, Police Station Mamdot, as receiver, he was authorised to keep the charge of disputed land allegedly under cultivation of petitioners.

Learned counsel, referring the judgment and decree dated 21.11.2014 of learned Addl. Civil Judge (Sr. Division), Ferozepur, in favour of petitioners, urged that the said judgment has attained finality being not challenged by respondent-State. In the said judgment, civil court has categorically held the possession of petitioners over the disputed land. Even if, petitioners were not entitled to legally retain the possession of disputed land, the proper legal remedy with the respondent was to file eviction petition against petitioners and not to adopt shortcut methods. Respondent No.2 has

illegally appointed receiver over the disputed land, ignoring the well established possession of petitioners over the disputed land as “gair mumkin tenant”. The eviction proceedings, initiated by respondent-State against the petitioners under Sections 4 and 5 of Punjab Premises and Land (Eviction and Rent Recovery) Act, 1973 have been dismissed by Collector vide order dated 30.04.2019. Therefore, respondent-State cannot evict the petitioners illegally under the garb of impugned order dated 08.05.2016. Even otherwise, in the proceedings, under Section 145 Cr.P.C. initiated by respondent-State wherein impugned order (Annexure P-6) has been passed by respondent No.2, the petitioners were not impleaded as party. Thus, the same is not binding upon them. On the other hand, learned State counsel, refuting above submissions, pleaded the legality and validity of impugned order dated 08.05.2016.

Having given my thoughtful consideration to the rival submissions, this court finds instant petition merits dismissal for the reason to follow.

Learned counsel for petitioners has not been able to produce any lease agreement or rent receipt, showing their status over the disputed land as “gair marusi tenant”. Thus, stray revenue entry, showing them as tenants over the disputed land can legally be termed as illegal entries.

Dismissed.

07.02.2020

mamta

**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No