

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

CR No.6160 of 2019 (O&M)

Date of Decision:13.1.2020

State of Punjab and another ... Petitioners

Versus

Harnek Singh ... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sandeep Kumar, DAG, Punjab with
Mr.H.S.Brar, Director, Department of Colonization, Punjab

RAJIV NARAIN RAINA, J. (Oral)

1. Affidavit filed in Court today pursuant to the order passed by this Court is taken on record.
2. Mr.H.S.Brar, Director, Department of Colonization, Punjab is present in Court. The plaintiff filed a suit seeking a decree against the State of Punjab from interfering into his peaceful possession and from dispossessing him forcibly from the suit property described in the head note of the suit and forbidding it not to do so except in due course of law.
3. During the course of the suit, the order sheets placed on record with the affidavit sought by this Court by order dated 5.12.2019 reveal negligence on the part of the State for not filing its written statement despite several adjournments granted, which has led to the passing of the impugned order dated 15.9.2018 striking off the defence of the State on the ground that sufficient opportunities were given, but

not availed for filing written statement and even costs of Rs.500 imposed by the trial court had not been paid.

4. There has also been a considerable delay in approaching this Court in the present revision, but it is explained in paragraph 7 of the affidavit that the Director, Department of Colonization, Punjab had been directed by the Government to issue charge-sheets under the Punjab Civil Services (Punishment and Appeal) Rules, 1970 to the four officials for adopting a callous, lackadaisical approach and for dereliction of duty/responsibility that not only jeopardized the interest of the State but also brought embarrassment to the Government of Punjab. It is not necessary to name those officials in this order whose names are mentioned, as the law will take its course.

5. Negligence in conduct of the officials has been taken care of by the State itself as it will hold enquiries to fix responsibility and to take such suitable action as would be required in law against the delinquents. The enquiry report has come into existence, a copy of which has been attached with the affidavit.

6. This appears to be a serious matter in which no person including the plaintiff can take advantage of without an adjudication of the dispute on the merits.

7. I have heard learned counsel for the petitioner-State. The narrow prayer in the suit is that the defendants-State be restrained from dispossessing the plaintiff forcibly and without due course of law from Plot 3 Marlas 3/2068 share out of total 103 Kanals 8 Marlas of land as described in the head note of the plaint. I believe that the plaintiff is not required to be heard in this matter as the suit itself can be disposed of by

this Court when the plaintiff can be compensated for the delay caused in postponing of judgment in the case.

8. The dispute is rather limited in terms of the prayer in a simple suit for injunction which can be disposed of with a direction that the plaintiff will not be dispossessed from the suit property forcibly, except in due course of law. However, in case the plaintiff has any quarrel with this order, he is at liberty to file application in the disposed of case.

9. In view of the above facts and circumstances, the suit itself is withdrawn to this Court by transfer in exercise of powers under Section 24 of the CPC and brought notionally on the Board of this Court and is disposed of with a direction to the defendants not to dispossess the plaintiff forcibly except in due course of law. Mr.H.S.Brar, Director, Department of Colonization, Punjab has made a statement before me to this effect.

10. In addition to ₹500 costs imposed by the trial court, the State is directed to compensate the plaintiff with the payment of ₹10,000 as costs.

11. However, for the purpose of payment of costs totalling ₹10,500/-, the trial court will take up the matter on the date fixed before it, in order to ensure that the payment of costs is made to the plaintiff as per this order and then close the file of the case by recording the statement made today by Mr. Brar in this Court as the reason for closure, in its order. After the needful is done, the file be consigned to the record room.

12. Civil revision is disposed of accordingly.

13. A certified copy of this order be sent to the plaintiff-respondent by the office and also by the petitioning department through a messenger and by speed post.

13.1.2020
MFK/Vimal

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes/No