

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

**CRWP-3027-2021
Date of Decision : 26.03.2021**

Paramjit Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Dalip Kataria, Advocate
for the petitioner.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The present petition is filed under Article 226 of the Constitution of India for issuance of direction to official respondents to protect the life and property of the petitioner at the hands of respondent Nos. 5 and 6.

A perusal of the petition shows that the petitioner alleges that he is holder of an agreement to sell of a plot, which was executed on 05.05.2014 vide Annexure P-1 and the possession was delivered to the purchaser.

It is stated that respondent Nos. 5 and 6 were trying to interfere in the possession of the petitioner and in this regard, the petitioner has given a representation to the police authorities, but no action has been taken so far.

It is further stated that the representations were made in the year 2015 and 2016 and, thereafter, after a period of 04 years, another representation was given on 26.06.2020 with the allegations that respondent Nos. 5 and 6 are trying to take possession of the plot.

On the face of it, it is a civil dispute regarding threat to petitioner of being dispossessed from the said property, for which the petitioner has an efficacious remedy of filing a civil suit for permanent injunction.

Even otherwise, it is a well settled principle of law as held by Hon'ble Supreme Court that where the limitation to file a suit for specific performance has expired, as in the instant case the agreement to sell is dated 05.05.2014, and there is no pleading that any suit for specific performance was filed by the petitioner, no criminal proceedings can be initiated.

Therefore, the petitioner is relegated to his remedy to file a civil suit for permanent injunction on the basis of his possession, if so advised.

Accordingly, the present petition is disposed of.

26.03.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No