

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

CRWP-2468-2021
Date of decision: 12.03.2021

Ishwar Devi

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Saurabh Kaushik, Advocate
for the petitioner.

(Through Video Conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the official respondents to protect the life and liberty of the petitioner as well as her family members at hands of respondent Nos. 4 to 6.

Learned counsel for the petitioner submits that some civil dispute was pending before the Additional District Judge, Patiala, wherein some settlement was arrived at between the parties and respondent Nos. 4 and 5 had made statement in favour of the petitioner that they will not raise objection at the time of raising wall, however, despite the same, when the petitioner tried to raise the construction of a wall, it was objected to by the private respondents.

On the face of it, this is a civil dispute arising out of civil rights of the parties and the petitioner has efficacious remedy of approaching the Court.

Be whatsoever, in order to raise a construction, the petitioner has to set up his civil right before a civil court and in case she has a right to raise the construction, which is being opposed by the private respondents, the petitioner has a right to file a civil suit for permanent injunction seeking restraint against respondents not to raise any hindrance in the construction of the wall and it is not the job of police to find who is owner of the land underneath the disputed wall.

Accordingly, the present petition is dismissed with liberty to petitioner to avail her alternative remedy in accordance with law before Civil Court.

12.03.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No