

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

**CRWP No. 5477 of 2021
Date of Decision: 24.06.2021.**

Surjeet Kaur and another

Petitioners

Versus

State of Punjab and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Ms. Manmohan Kaur Dhaliwal, Advocate for the petitioners.
Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed seeking direction to the official respondents to protect the life and liberty and property of the petitioners. Further the prayer is that the official respondents be directed to take appropriate legal action to recover the wheat crop of the petitioners which was harvested and stolen by the private respondents. Still further, the prayer is for direction to the official respondents to take legal action on the complaint and legal notice dated 21.4.2021 and 4.5.2021, respectively.

From the pleadings in the petition, it is evident that the petitioners had mortgaged their land to Sarabjeet Singh vide deed dated 17.11.2016. The petitioners claim to had possession of the land on expiry of mortgage deed. The grievance raised is that the private respondents again took the possession and harvested the wheat crop.

The basic argument is that as the period of mortgage deed expired, there is no occasion for the private respondents continue with possession of the land in dispute.

One complaint dated 21.4.2021 was made to Senior

Superintendent of Police, Sri Muktsar Sahib stating that the private respondents had harvested the wheat crop. Thereafter, a legal notice dated 4.5.2021 was issued to the official respondents alleging that forcible possession of the land was taken by the private respondents on 17.4.2021.

The grievance raised by learned counsel for the petitioners is that the police is not taking any action on the complaint and the legal notice.

From the pleadings and the arguments, it is forth coming that the dispute involved in the present case is civil in nature. One of issue raised is the effect of expiry of time period of mortgage deed. Disputed question of fact vis-a-vis possession of land is involved.

By making a bald statement that there is a threat perception to the life and liberty of the petitioners, there is an attempt to camouflage the civil dispute as criminal offence.

No interference is called for.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

24th June, 2021

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |