

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRWP-5708-2021 (O&M)
Date of Decision:-29.6.2021

Abdul Razak Khan

... Petitioner

Versus

Union Territory Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Bhatia, Advocate for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking issuance of directions to official respondents to protect his life and liberty and also to protect Dargah Sakhi Sarver Sultan Lakhdara Wala Peer situated at Village Daria, U.T., Chandigarh. Another prayer has been made for appointing a police officer of the rank of ASP/DSP to look into the matter and to remove the unauthorized occupants from the property in question and to register FIR under Section 295-A IPC against the offenders.
2. Notice of motion.
3. On asking of the Court, Mr. Viranjeet Singh Mahal, Addl.P.P., U.T., Chandigarh, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.

4. Learned counsel for the petitioner submitted that Gram Panchayat, Village Daria had initially filed a petition under Section 7 of Punjab Village Common Land (Regulation) Act for removing encroachment over Khasra No.23 (3-13) and to put the Gram Panchayat in possession over the property in question. The said petition was allowed vide order dated 2.5.2014 (Annexure P-1) passed by Sub Divisional Magistrate (East)-cum-Assistant Collector 1st Grade, U.T., Chandigarh. An appeal filed against the said order dated 2.5.2014 was disposed off wherein the order of Sub Divisional Magistrate (East)-cum-Assistant Collector 1st Grade, U.T., Chandigarh was upheld. Subsequently, upon a revision having been filed before the Commissioner the matter was remanded back to the Collector, where the same is still pending.
5. It has been submitted that although the matter is subjudice and is pending before the Collector, Chandigarh but the private respondents have encroached upon the property in question which is in the nature of Kabristan and Dargah and are trying to change the nature of the same by demolishing the graves etc. It has further been submitted that the private respondents are even bent upon causing harm to the petitioner and to other members of the Muslim Community.
6. I have heard the learned counsel for the petitioner as well learned State counsel.
7. Since the matter regarding property in question is stated to be pending before the Collector, Chandigarh wherein an application for stay has also been submitted, the Collector, Chandigarh is directed to dispose off the said stay application expeditiously particularly keeping in view the fact that the matter

is serious in nature and could have larger ramifications in view of the religious sentiments of the community.

8. As far as the apprehension of the petitioner regarding threat to his life and liberty is concerned, this Court finds that earlier the petitioner had moved an petition before this Court i.e. CRWP-2206 of 2020 wherein one Aman Bajaj was impleaded as a private respondent and wherein vide order dated 16.3.2020 (Annexure P-9) directions were issued by this Court to decide the representations dated 9.12.2019 and 16.12.2019. However, since 3 private respondents have been impleaded as respondents in the instant petition, it shall be open to the petitioner to move a detailed representation before respondent No.3-Senior Superintendent of Police, Chandigarh delineating his apprehension as regards threat to his life and liberty. In case, any such representation is moved, respondent No.3-Senior Superintendent of Police, Chandigarh shall have the same examined expeditiously in accordance with law. In case, it is found that there is any genuine threat to the life and liberty of the petitioner, then it be ensured that no harm is caused to the petitioner.
9. Further, since religious sentiments are involved in the matter in hand, respondent No.3-Senior Superintendent of Police, Chandigarh is directed to depute some Senior seasoned Officer to look into the matter.
10. The petition stands disposed off accordingly.

29.6.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No