
Shiva Gupta and others v. State of Punjab and others

Present: Ms. Rishma Verma, Advocate,
for the petitioners.

Mr. Mandeep Singh Sachdev, Advocate,
for respondents no.4 to 6.

Ms. Damini Aggarwal, Advocate,
for respondent no.7.

Mr. Rana Harjasdeep Singh, DAG, Punjab

CRM-23387 of 2021

This application has been filed by the petitioners in the accompanying petition, seeking to place on record certain documents with the accompanying petition, as have been annexed as Annexures A-1 to A-14 alongwith, including the affidavit of the petitioners as also the notices issued to them by the respondent Cantonment Board, asking to them to deposit the arrears of *rehri* license fee, sanitation charges and GST for parking of *rehris*, and that legal action would be taken to recover the amount; with the notices also stating therein that the *rehris* could be removed from the site, and other persons would be allowed to operate therefrom.

Notice in the application.

Mr. Mandeep Singh Sachdev, Advocate, appears and accepts notice on behalf of respondents no.4 to 6, with learned State counsel accepting notice at the asking of the court on behalf of respondents no.1 to 3, and Ms. Damini Aggarwal, Advocate, accepting notice on behalf of respondent no.7.

The application only being one seeking to place on record the

notices admittedly issued to the petitioners even as per learned counsel for respondents no.4 to 6, it is allowed and the documents, Annexures A-1 to A-14 with the application, are ordered to be taken on record as Annexures P-2 to P-15 with the accompanying petition.

Main case

By this petition filed under the provisions of Section 482 of the Cr.P.C., the petitioners seek issuance of a direction to respondents no.1 to 3 to protect the petitioners from private respondents no.4 to 7, as they are (allegedly) forcefully taking five times the rent from the petitioners and threatening them to vacate their shops (as alleged).

The dispute in this case essentially is civil in nature as regards license fee being paid/not paid to the respondent Cantonment Board by the petitioners, though of course the allegation of the petitioners, as recorded in the order dated 06.07.2021, is to the effect that they are being forcibly evicted by respondent no.7, allegedly at the instance of respondents no.4 to 6.

Learned counsel for the petitioners also submits that respondent no.7 is in fact threatening to evict them unless they pay the license fee.

Having considered the matter, this petition is consequently disposed of with a direction to respondents no.4 to 6 that the petitioners would not be evicted except due process of law; and in case they are sought to be forcibly evicted, respondent no.2, i.e. the Commissioner of Police, Jalandhar, as also the SHO, Police Station Jalandhar Cannt. (respondent no.3), would ensure that the petitioners are not so evicted, without due orders passed under the due process of law by a competent court/authority, and with such orders to be produced before the Commissioner by respondents no.4 to 6, prior to

eviction of the petitioners.

It is of course to be noticed that Mr. Sachdev, learned counsel appearing for respondents no.4 to 6, has already very fairly stated that the petitioners would not be evicted except by following due process of law, if such eviction is found to be necessary on account of non-payment of license fee etc.

August 04, 2021
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(AMOL RATTAN SINGH)
JUDGE