

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

CWP-15187-2021

Date of Decision:16.08.2021

Kamaljit Singh Mangat

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

**Present: Mr. Ferry Sofat, Advocate,
for the petitioner.**

[The aforesaid presence is being recorded through video conferencing since the proceedings are being conducted in virtual court.]

SANT PARKASH, J.

The present writ petition, filed under Articles 226/227 of the Constitution of India, seeks issuance of a writ in the nature of mandamus directing respondents No.1 to 5 to consider the representation dated 19.05.2021 (P-11) moved by the petitioner to get the land as described in the head note of the petition vacated from respondents No.7 and 8 as per Jamabandi for the year 2013-14.

Facts of the case as averred in the petition are that the land in question situated in the village Ramgarh Hadbast No.236, Sub Tehsil and District Ludhiana belongs to respondent No.6. It is further averred in the petition that vide order dated 22.08.2014, Whole Time Member (WTM), SEBI held that as respondent No.6-PACL had mobilised Rs.49,100/- crores from the investors in violations of the provisions of SEBI-Collective

Investment Schemes (CIS) Regulations, respondent No.6 was directed to wind up their existing schemes and refund the amount collected by it along with returns due to the investors as per the terms of the schemes. The said order was challenged by respondent No.6 and the same was upheld by the Securities Appellate Tribunal (SAT) vide order dated 12.08.2015. Accordingly, the SEBI initiated recovery proceedings against respondent No.6-PACL and its promoters/directors. The said order was assailed before the Hon'ble Supreme Court and Hon'ble Apex Court vide order dated 02.02.2016 constituted a Committee headed by Hon'ble Mr. Justice R.M. Lodha (former CJI) for disposing of the land purchased by respondent No.6-PACL so that the sale proceeds can be paid to the investors. The Hon'ble Supreme Court vide its order dated 25.07.2016 restrained PACL Ltd. and/or its Directors/Promoters for selling/transferring/alienating any of its properties. However, despite the said order, the land in question has been illegally encroached upon by the politicians with the active connivance of respondents No.7 and 8 and they are giving the same on lease for agriculture purposes. In this regard, petitioner and local residents of the villages moved number of complaints to competent authorities, i.e., respondents No.4 and 5 to take appropriate against respondents No.7 and 8 but to no avail.

Hence, the present writ petition.

Learned counsel for the petitioner has sought indulgence of this Court pursuant to order dated 25.07.2016 passed by the Hon'ble the Supreme Court, whereby PACL Ltd. and/or its Directors/Promoters/agents/employees/Group and/or associate companies have been restrained from in any manner selling/transferring/alienating any

of the properties wherein PACL has, in any manner, a right/interest situated either within or outside India. It is further contended that despite the above-said order, respondents No.7 and 8 have encroached upon the land of respondent No.6-PACL. Learned counsel, while further elaborating his arguments, tried to convince the Court regarding his locus standi to file the present writ petition and urged, that he being a responsible citizen of India was duty bound to get the order of Hon'ble Apex Court implemented/obeyed and specifically when the land belonging to respondent No.6 is being encroached upon by high-ups in connivance with respondents No.7 and 8.

After having heard the learned counsel for the petitioner, we find no substance in his averments as urged and he has failed to convince the Court about his locus standi to invoke the extra ordinary writ jurisdiction of this Court.

Admittedly, the petitioner has made various representations to the different authorities regarding the alleged encroachment in violation of the order passed by Hon'ble Apex Court. Learned counsel for the petitioner has failed to convince the Court as to in what capacity has invoked the extra-ordinary writ jurisdiction of this Court when he is not at all concerned with the land in question regarding which the Hon'ble Supreme Court passed the aforesaid order. Learned counsel has even failed to satisfy his locus standi to invoke the jurisdiction of this Court. If the petitioner has got any grievance regarding non action on the part of the various authorities despite his various representations, he is at all liberty to knock at the doors of the competent and appropriate authorities.

In view of the above, the present writ petition is dismissed being not maintainable. However, the petitioner is at liberty to seek the remedy available to him under law before the appropriate authority.

(JASWANT SINGH)
JUDGE

(SANT PARKASH)
JUDGE

16.08.2021
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO