

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

1. **Civil Writ Petition No. 15533 of 2021**
Date of Decision: September 27 , 2021.

Virakat Kutir Ashram Trust PETITIONER
Versus
State of Punjab and others RESPONDENTS

2. **Civil Writ Petition No. 15513 of 2021**

Virakat Kutir Ashram Trust PETITIONER
Versus
State of Punjab and others RESPONDENTS

3. **Civil Writ Petition No. 15514 of 2021**

Virakat Kutir Ashram Trust PETITIONER
Versus
State of Punjab and others RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Petitioner Trust, represented by its
Trustee, Swami Swatantranand in-person with
Mr. Naveen Jerath, Advocate

Mr. H.S.Grewal, Addl.AG, Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

This order shall dispose of CWP Nos.15533, 15513 and 15514 of 2021 as similar relief is claimed in all these three writ petitions.

Prayer in CWP No.15533 of 2021 is for directing respondent No.3 –

Senior Superintendent of Police, Hoshiarpur and respondent No.4 – SHO, Police

Station Model Town, Hoshiarpur to refrain from illegally blocking the passage from Tanda Road, Hoshiarpur to village Brahmjit in contravention of directions in order dated 09.03.2015 passed by the learned District Judge, Hoshiarpur in an appeal challenging order dated 24.12.2013 passed in application filed under Order 39 Rules 1 and 2 CPC by the learned Additional Civil Judge (Senior Division), Hoshiarpur, in a civil suit filed by Swami Swatantranand.

Prayer in CWP No.15513 of 2021 is for directing respondent No.3 – Deputy Superintendent of Police (CID), Hoshiarpur and respondent No.4 – SHO, Police Station Model Town, Hoshiarpur for restraining them from illegally blocking the boundary of petitioner-Trust's compound in contravention of order dated 13.01.2014 passed in CRM-M No.894 of 2014.

CWP No.15514 of 2021 has been filed by the petitioner-Trust for restraining respondent No.3 – SHO, Police Station Model Town, Hoshiarpur from illegally sealing the boundary, locking the gate, misusing the Trust's property and to desist from restraining the devotees from entering the property of the petitioner – Trust.

Notice of motion was issued in CWP No.15514 of 2021 and as similar relief was claimed in the other two writ petitions i.e., CWP Nos.15533 and 15513 of 2021, they were directed to be listed together for hearing.

Short reply by way of affidavit of Mr. Jagdish Raj, PPS, Deputy Superintendent of Police, Sub-Division City, District Hoshiarpur has been filed in CWP No.15533 of 2021.

All these writ petitions have been filed through the Trustee of the petitioner-Trust, Swami Swatantranand in-person. He has joined proceedings through Video Conferencing. It is noticed that Mr. Naveen Jerath, Advocate has

been appearing in this matter since the last two dates, though no Power of Attorney has been filed by him. Today, on a pointed query Mr. Jerath submits that he too is a trustee of the petitioner-Trust and seeks to assist this Court in this capacity as Swami Swatantranand is 109 years. Copy of the Trust deed attached with the writ petition however reflects Mr. Naveen Jerath to be a witness to the said document. Resolutions attached with the writ petitions also do not bear his signature as a trustee.

Be that as it may, without commenting on status of Mr. Naveen Jerath, matter has been heard.

It is a matter of record that civil and criminal litigation between the petitioner (Swami Swatantranand) and other private persons, who are not impleaded in these writ petitions, are pending. Reference has been made to an incident which is not even mentioned in the body of any of the three writ petitions, but stated to have occurred on 25.07.2021. Reference is made to some of the emails attached with the writ petitions, to submit that Swami Swatantranand was ordered to leave the Ashram premises on 25.07.2021 and gates of the Ashram were earlier broken on the intervening night of 21-22 June, 2021. Criminal complaint is stated to be pending against Mohinder Singh and others.

It is not denied that earlier, civil litigation had been instituted by Swami Swatantranand against Mohinder Singh and Roshan Lal, who are incidentally not impleaded as parties to these writ petitions. Suit for permanent injunction had been filed against said persons in respect to the passage to the Ashram. It is stated that civil suit for permanent injunction in which order dated

09.03.2015 was passed by the learned District Judge, Hoshiarpur, was withdrawn by Swami Swatantranand as there was no longer any apprehension of obstruction to the usage of the passage at that stage. Mr. Jerath then circulated a copy of order dated 08.09.2021 passed by the learned Additional Sessions Judge, Hoshiarpur in Civil Revision RBT No.84 of 2021 in regard to a complaint case under Sections 465/467/471/468/420/120B/408/409 IPC instituted by Swami Swatantranand against Mohinder Singh. Suit for permanent injunction instituted by Mohinder Singh is admittedly pending though it is submitted by petitioner that order of status-quo has been illegally obtained.

Primary grievance raised before this Court is that the police officials should not, in any manner, interfere in the possession of the petitioner over the Ashram property.

Learned counsel for the State has categorically denied all allegations of taking forcible possession of the Ashram by the police officials or forcing Swami Swatantranand to leave the premises or of the police officials aiding any party. It is submitted that sole aim of the police officials is to maintain law and order and that police officials did not and shall not take sides with any of the parties and that they shall only be engaged in maintaining the law and order situation which is being created on the spot due to the property dispute. It is categorically denied that Swami Swatantranand had been asked to leave the premises of the Ashram. Mr. Grewal submits that no such direction has been or shall be given by the police officials. He further submits, on instructions from the SHO, Police Station Model Town, Hoshiarpur, that no locks etc. have been put by the police officials on any part of the property and neither the police

officials facilitated the putting of locks by any of the parties. The police officials, it is submitted, have not interfered in the possession of the petitioner in any manner.

Keeping in view the facts and circumstances of the case as well as specific stand of the official respondents, no ground is made for any further orders in this matter. Needless to say, it is incumbent upon the police officials not to interfere in the possession of parties over the property in dispute and not to trespass into the domain and territory of the courts of competent jurisdiction in this respect. Parties would remain bound by the orders passed by the court of competent jurisdiction.

It is further directed that in case any specific instance of threat to the life and liberty of trustee, Swami Swatantranand is brought to the notice of respondent No.2-Director General of Police, Punjab, necessary action thereon, as may be/if any required, be taken immediately in accordance with law, to ensure that no harm befalls upon him.

This order is being passed in the peculiar circumstances of this case and shall not be treated as precedent.

All the three writ petitions are accordingly disposed of.

September 27 , 2021.
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(LISA GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No