

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRWP No.10192 of 2021

Date of Decision: November 26, 2021

Kashmir Singh and others

.....Petitioner(s)

Vs.

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vikram Singh, Advocate
for the petitioner(s).

Mr. Rajat Gautam, DAG, Haryana.

Mr. Ramesh Hooda, Advocate
for respondents No.6 to 17

ANOOP CHITKARA J. (ORAL)

The petitioner has come up before this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents No.2 to 4 to protect the life, liberty and property of the petitioners at the hands of the local police i.e. respondent No.5 acting at the hands of certain residents/land grabbers.

2 However, learned counsel for the petitioners concedes that under the given writ jurisdiction, only life and liberty can be protected and not property. Thus, what survives as per the prayer is only the protection of life and liberty of the petitioners from the local police, who have been arraigned as

respondent No.5.

3. Learned counsel for the petitioners has submitted that the petitioners are still experiencing threat to their lives and liberty from respondent No.5.

4. Learned State counsel has submitted that initially he had filed a reply by the Assistant Commissioner of Police, Panchkula regarding the matter, which is on record. Subsequently, he has received a detailed report by Deputy Commissioner, Panchkula in which he has sought intervention of the Court. However, it is well settled that pleading cannot travel beyond the canvas, thus, the relief to be granted cannot exceed beyond the prayer clause and the jurisdiction of the writ. As mentioned above, the prayer clause is only to protect the life and liberty of the petitioners at the hands of respondent No.5.

5. Given above, State shall continue to protect the life and liberty of the petitioners from respondent No.5 on day to day analysis. In case, the concerned Superintendent of Police is of the opinion that no more threat perception exists, such protection shall be revoked automatically. The concerned Superintendent of Police shall also assure that his/her Station House Officer who is duty bound to protect life and liberty does not himself/herself become a violator.

6. Nothing survives in the petition and the same stands disposed of.

7. It is further clarified that under the guise of this protection, the petitioners shall not go to disputed land to harvest the crops. If they do so, the interim protection shall be automatically withdrawn.

8. Learned counsel for the petitioners at this stage has argued that this order should not be construed as adjudication of the petitioner's civil rights.

9. Be that as it may, this Court has not touched the merits of the case in any manner whatsoever. It is clarified that based on the arguments made by learned counsel for the State, the directions of this Court are only limited to the extent that under the guise of the protection, they should not indulge in any illegal activity.

10. *There would be no need for a certified copy of this order for furnishing bonds. Any Advocate for the petitioners can download this order along with the case status from the official web page of this Court and attest it to be a true copy. The Prosecutor shall also verify the downloaded copy by comparing it from the official web page. In case the attesting officer or the Court wants to verify the authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.*

(ANOOP CHITKARA)
JUDGE

November 26, 2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	No