

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

CWP-21060-2020

Date of decision: 07.01.2021

Suman Sharma

.....Petitioner.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Daljeet Singh Kahlon, Advocate, for the petitioner.

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Sanjay Kumar, J. (ORAL)

The petitioner seeks a direction to respondents No. 1 to 5 to take legal action against respondents No. 6 to 8 as they were illegally restraining her from installing a mobile tower in her vacant plot at Village Raj Parura, Tehsil and District Pathankot, despite the '*No Objection Certificate*' issued by the Gram Panchayat of the Village. She seeks a further direction restraining respondents No. 5 to 8 from interfering with the installation of the mobile tower in her premises. It may be noted that respondents No. 1 to 5 are the authorities of the State, respondent No. 5 being the Station House Officer, Police Station Sadar Pathankot, District Pathankot, while respondents No. 6 to 8 are private parties.

Mr. Daljeet Singh Kahlon, learned counsel, is unable to explain as to how the authorities would be under a duty to assist the petitioner in the installation of a mobile tower in her property if there is interference by private individuals. He would however contend that

the Station House Officer is himself interfering with such installation process at the behest of the local MLA. Significantly, no allegations to this effect have been made either against the Station House Officer or the said MLA. Further, the Station House Officer has not been impleaded *eo nomine* and the MLA has not even been shown as a party-respondent.

It is also interesting to note that the petitioner, on the one hand, seeks a direction to the Station House Officer to take legal action against the private respondents but on the other, she seeks a restraining order against the Station House Officer along with the private respondents. These self-contradictory prayers cannot be accepted.

Be it viewed from any angle, the writ petition, as framed, cannot be entertained or acted upon.

The writ petition is accordingly dismissed.

This order shall however not preclude the petitioner from seeking appropriate remedies available to her in law as per due procedure.

No order as to costs.

(SANJAY KUMAR)
JUDGE

07.01.2021

preeti	
whether speaking/non speaking	yes/no
whether reportable/non reportable	yes/no