

CRWP-65-2021

Date of Decision: 06.01.2021.

Irfan Khan and others

...Petitioners

vs.

State of Haryana and others

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Vikas Singh, Advocate for the petitioners.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.

2. Prayer in the petition under Article 226 of the Constitution of India is for directing respondent Nos.2 and 3 to protect the life and liberty of the petitioners qua harassment at the hands of police officials of Police Station Bapoli, District Panipat as also to direct respondent Nos.2 and 3 to ensure that no hurdles are created in the right of the petitioners' to cultivate land belonging to them which has been transferred to the State of Haryana from the State of UP.

3. Learned counsel contends that 604 hectares of land of village Tanda, in the State of UP i.e. equivalent to 1698 acres, was transferred to village Goyla Khurd, Sanjoli, Raimal and Khozgiipur, Sub Tehsil Bapoli, District Panipat. However, the petitioners are being harassed by residents of the area as also by the police officials of Police

Station Bapoli, District Panipat, in exercising their right of cultivation of land belonging to them, which has been transferred from the State of UP to the State of Haryana and in respect of which, representation Annexure P/9 dated 15.10.2020, was submitted by the petitioners to respondent No.2, for protection of their life and liberty but no action has been taken on the same till date. Learned counsel contends that in the circumstances the petitioners would be satisfied if the criminal writ petition is disposed of by directing respondent No.2 to consider and decide the aforementioned representation and take action on the same in accordance with law, as expeditiously as possible.

4. Notice of motion to respondent No.2 only.

5. Mr. Vivek Chauhan, Addl. AG, Haryana, accepts notice on behalf of respondent No.2 and after perusal of the advance copy of the petition states that he has no objection to the limited prayer made by learned counsel for the petitioners for issuance of directions to respondent No.2 to decide representation Annexure P/9 dated 15.10.2020, for protection of their life and liberty.

6. Accordingly, in view of the statement of learned counsel for the parties but without commenting upon the claim of the petitioners, the criminal writ petition is disposed of by directing respondent No.2 i.e. Superintendent of Police, Panipat, to consider and decide representation Annexure P/9 dated 15.10.2020, submitted by the petitioners, after taking into account all aspects of the matter, as expeditiously as possible and thereafter take such action in respect thereto in accordance with law as may be warranted keeping in view the threat perception to the petitioners.

However, it is made clear that this order shall not bar any civil or criminal proceedings initiated against the petitioners in accordance with law.

(B.S. Walia)
Judge

06.01.2021
'Rajesh-PS'

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