

LPA No.1156 of 2021 (O&M)

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

(PROCEEDINGS THROUGH V.C.)

LPA No.1156 of 2021 (O&M)

Date of decision : 09.12.2021

Hukam Chand & others

.....Appellants

VERSUS

State of Haryana and others

....Respondents

**CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR JUSTICE KARAMJIT SINGH**

Present: Mr. Vikram Singh, Advocate
for the appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 26.11.2021 passed by the learned Single Judge in Criminal Writ Petition No.10192 of 2021, in paras 4 to 9 thereof, it has been stated as follows:-

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 painting 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 If they do so, the interim protection shall be automatically withdrawn.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.”

Learned counsel for the appellants states that he has no grievance whatsoever with reference to the order passed by the learned Single Judge as mentioned in paras 4 to 6. His only contention is that paras 7 to 9 were not required to be mentioned as such in the said order. He asserts that by passing the said order, it is virtually saying that the appellants cannot go for harvesting the crops.

This contention of the learned counsel for the appellants appears to be misconceived. What has been said by the learned Single Judge is limited to the extent that the order passed in the earlier part of the order with regard to the protection of the life of the appellants (petitioners in the writ petition) would cease to operate as and when the appellants approach the disputed land for harvesting. It clearly mentions that the police authorities would not be bound to protect the life and liberty of the appellants in case they go for the said purpose. Thus, this assertion of the appellants that this virtually denies their right to harvest the crop is misconceived.

Learned counsel for the appellants has further asserted that there is no eviction, injunction or restrain for the appellants to approach the said land. Be that as it may, but the intention of the order of the learned Single Judge is limited to the extent that the Court had entertained the writ petition which has been preferred by the petitioners limited to the extent of protection of life and liberty and so far as the protection qua the land which was sought by the appellants, the same has been denied. The order,

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therefore, passed by the learned Single Judge, in our considered view is fully justified and do not call for any interference in the present appeal.

We, therefore, dispose of the present appeal with above observations.

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CM-2701-LPA-2021

In the light of the disposal of the main appeal, no orders are required to be passed in these applications as the same have been rendered infructuos.

Disposed of as such.

(AUGUSTINE GEORGE MASIH)
JUDGE

09.12.2021
Harish

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No