

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

201

CWP-27783-2019 (O&M)
Date of decision: 12.02.2021

SURAJ BHAN SINGLA AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Atul Gaur, Advocate for the petitioners.

Ms. Kirti Singh, DAG, Haryana.

Mr. Johan Kumar, Advocate for respondents No.2 and 3.

ANIL KSHETARPAL, J. (Oral)

In this case, arguments were heard at length and judgment was reserved. While hearing arguments, certain oral observations were made.

After sometime, Ms. Kirti Singh, DAG, Haryana, requested for taking up the case once again. Hence, the learned counsels were requested to and have come forward to attend the hearing. She submits that she has spoken to the officer and he is ready to withdraw the interim orders passed under Section 133 Cr.P.C. and also prepared to drop the proceedings in entirety. She submits that this step has been taken in view of the fact that the civil suits filed by both the parties are pending and the parties are entitled to file appropriate applications before the Civil Court in this regard.

In the present case, the dispute is between two owners of the building. The petitioners herein claim to be the owner in possession of ground floor of the shop whereas respondent No.2 and 3 claim to be the owner of upper storey. Prima facie the dispute does not involve any public nuisance.

Keeping in view the aforesaid facts, this Court is of the considered view that the stand taken by Sub Divisional Magistrate i.e. Jind, is fair. Hence, the writ petition is liable to be dismissed as infructuous. However, the statement of Ms. Kirti Singh, DAG, Haryana, is taken on

record. The proceedings under Section 133 Cr.P.C. shall be deemed to have been dropped. Consequently, the orders dated 13.06.2019, 16.09.2019 and 24.09.2019 have become infructuous.

Disposed of accordingly.

12.02.2021

(ANIL KSHETARPAL)
JUDGE

ashok

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No