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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-3241-2019 in/and
CRM-M-43699-2018

Date of Decision: September 16, 2022

KARANJIT SINGH

....Petitioner(s)

VERSUS

STATE OF PUNJAB AND ORS

....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner.

Mr. Kamalpreet Bawa, AAG, Punjab.

AMAN CHAUDHARY, J.(ORAL)

CRM-3241-2019

An application has been filed for placing on record the reply on behalf of respondent No.7 namely Ravi Inder Singh, same is allowed and placed on record.

Main case

The present petition has been filed under Section 482 Cr.P.C. for directing respondent No.1 to 4 for taking appropriate legal action against respondent Nos.5 to 7 on the basis of enquiry report dated 15.12.2015 and representation dated 28.05.2018.

Notice in this case was issued on 04.10.2018, pursuant thereto reply dated 13.12.2018 by way of an affidavit of Ashwani Kumar, PPS,

Deputy Superintendent of Police, Sub-Division Baba Bakala Sahib, Amritsar (Rural) on behalf of respondent Nos.1 to 4 has been filed.

Learned State counsel makes a reference to para-6 & 7 of the reply to submit that no cognizable offence was found to be made out in the present case and the matter was found to be civil in nature, the relevant portion of which is reproduced as under:-

"6. That on the basis of enquiry conducted by the then Superintendent of Police (Investigation), Amritsar-Rural, It was revealed that the sale deeds of the land in question were executed on 08/01/2009 and 25/08/2009 by the respondent no. 6 Paramjit Kaur in favour of the petitioner with regard to possessory rights of the land in question and ownership rights were not sold or transferred to the petitioner. The complete description of the land in question as per revenue record i.e. Jumia Mushtarga Malkan" and "Gair Maroosi Kabja" (common joint ownership) and (possession of non owner) were mentioned in the sale deeds. The prohibition on sanctioning mutation and sale of such lands (Shamlat Deh and Jumla Mushtarka Malkan) came into force vide Memos No. 17/45/2010-CH-5/7898-7926 dated 22.06.2012 issued by the Punjab Government, Revenue Department (Chakbandi Department), Chandigarh and vide memo No. 17/45/10 MB5/6388-6410 dated 30.05.2012 issued by the Punjab Government, Revenue and Rehabilitation Department (Murababandi), Chandigarh. However, the same have been stayed vide letter No. 17/45/10-MB5./10967-94 dated 05.09.2012 issued by the Punjab Government, Revenue Department (Chakbandi Department), Chandigarh in pursuance to the order dated 31.08.2018 passed by the Hon'ble Supreme Court India. Thus, no cognizable offence has been found to be made out in the present case and the matter has been found to be civil in nature. Hence, the application of the petitioner has been consigned to records. The enquiry report of the then Superintendent of Police (Investigation), Amritsar-Rural is annexed herewith as Annexure R-1/T for the kind perusal of this Hon'ble Court.

7. That it is humbly submitted that keeping in view totality of the facts and submissions made here-in-above, it is evident that two separate enquiries have been conducted with regard to the application given by the petitioner and report of Tehsildar, Baba Bakala Sahib and legal opinion from the learned Deputy District Attorney (Legal), Amritsar has been obtained. According to which, no cognizable offence has been found to be made out in the present matter which is civil in nature. Hence, the petitioner has a remedy to approach the

learned Civil Court for taking possession of the land as he has purchased possessory rights of this land from the respondent No.6 Paramjit Kaur.”

Learned State counsel further submits that in view of the aforesaid, present petition has been rendered infructuous and may be disposed of as such.

Disposed of as having been rendered infructuous. However, liberty is granted to the petitioner to avail alternate remedy in accordance with law.

16.09.2022
Sangeeta

(AMAN CHAUDHARY)
JUDGE

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