

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

120

CRM-M-24846-2022

Date of Decision : **June 01, 2022**

KASHMIRI LAL

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Vaibhav Sharma, Advocate
for the petitioner.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure for issuance of directions to the respondents to provide administrative and police help for the construction of the area of the land of which the petitioner is in possession.

The learned counsel for the petitioner has submitted that the petitioner is in possession of land and he wanted to construct the area and since some of the persons were not permitting him to construct the plot/area, he had moved a representation dated 13.3.2019 vide Annexure P-4 to the Superintendent of Police. Since the representation/application was not decided/considered by the police, he filed a petition vide CRM-M-14269 of 2019 which was disposed of vide Annexure P-5 on 20.2.2020 with a direction to Superintendent of Police, Panipat to look into the representation dated 13.3.2019 and if the Superintendent of Police, Panipat finds that some action in the matter is required to be taken then the needful be done in accordance with law.

Thereafter vide Annexure P-6, the Superintendent of Police, Panipat has passed the order in compliance of the order passed by this Court. By way of aforesaid order passed by the Superintendent of Police, Panipat vide Annexure P-6 dated 18.7.2020 it was directed that the representation of the petitioner dated 13.3.2019 was disposed of with a direction to SHO, PS Matlauda to provide adequate police force including a lady Constable to Duty Magistrate/Naib Tehsildar, Matlauda as and when required to help the petitioner in peaceful construction over the land whose possession was handed over vide order dated 31.10.2013 of Hon'ble Court. The relevant operative portion of the aforesaid order is reproduced as under:-

“Hence the representation dated 13.3.2019 (Annexure P-1) of the petitioner is hereby disposed of with direction to SHO, PS Matlauda to provide adequate police force including lady Constable to Duty Magistrate/Naib Tehsildar, Matlauda as and when required to help the petitioner in peaceful construction over the land whose possession was handed over vide order dated 31.10.2013 of Hon'ble Court.”

The learned counsel for the petitioner has submitted that thereafter the petitioner has moved an application vide Annexure P-7 to the DGP, Haryana for grant of police help through counsel but no action has been taken by the police.

On the other hand, Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana has submitted that he has received an advance copy of the present petition and he has sought instructions. He submitted that in view of order passed by the Superintendent of Police, Panipat in

pursuance of the direction issued by this Court, in case the petitioner was requiring any help from the police for the construction of the land/area then he had to approach the Duty Magistrate/Naib Tehsildar, Matlauda and direction was issued to the SHO, Police Station Matlauda that in such an event adequate police force including lady constable be provided in this regard. However, in the instant case the petitioner has himself not filed any representation or application to the Duty Magistrate/Naib Tehsildar and has infact directly approached the DGP in this regard and, therefore, the present petition is not maintainable and is rather misconceived. He submitted that the SP has passed a detailed order and has rather directed the SHO to provide police force but the petitioner himself has not invoked the aforesaid order passed by the SP, Panipat and, therefore, the present petition be dismissed.

I have heard the learned counsels for the parties.

A perusal of the aforesaid order passed by SP, Panipat dated 18.7.2020 which has been reproduced would show that rather the SP has directed the SHO, Police Station Matlauda to provide adequate police help to the Duty Magistrate/Naib Tehsildar as and when required for the purpose of construction of plot but as per the learned State counsel the petitioner has not moved any application to the Duty Magistrate/Naib Tehsildar nor any document has been attached with the present petition. Therefore, it appears that the present petition is totally misconceived. The petitioner has even filed a representation directly to the DGP, Haryana and has not even approached the SHO or the concerned District Police Administration. In other words, the petitioner instead of giving an

appropriate application to the Duty Magistrate/Naib Tehsildar in pursuance of the order passed by the SP Annexure P-6 has not invoked his remedy in accordance with the aforesaid order and, therefore, the present petition is misconceived and, therefore, the same is, hereby, dismissed.

June 01, 2022

ajay-1

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No