

CRWP-9290-2022

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

CRWP-9290-2022

Date of decision:28.09.2022

lakhvir Singh and another

...Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Nippun Sharma, Advocate and
Mr. Vipul Sachdeva, Advocate,
for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

The present petition has been filed under Article 226/227 of the Constitution for issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioners, who are constantly being harmed by respondents No.4 to 6 by way of trying to dispossess the petitioners from their land.

Learned counsel for the petitioners contends that even though the property in question was leased out to respondents No.4 and 5, but they are in the process of taking the possession of land from the petitioners forcefully. He further submits that learned Addl. Civil Judge (Sr. Divn), Bholath, vide order dated 06.12.2021 passed in a civil suit filed by respondent No.4 and another, had directed the parties to maintain status quo qua the possession over the property in question during pendency of the suit.

Notice of motion to respondents No.1 to 3-State only, at this

CRWP-9290-2022

stage.

On the asking of this Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of respondents No.1 to 3. Learned State counsel, on instructions from ASI Baljinder Singh, submits that respondent No.5-Kashmir Singh moved an application that the petitioners alongwith others were in the process of taking the possession of the land despite the fact that the status quo had been granted by the Civil Court. Accordingly, GD No.13 dated 30.06.2022, was registered against the petitioners under Sections 107/151 Cr.P.C. The said GD No.13 dated 30.06.2022 is taken on record as Mark-A.

I have heard the learned counsel for the parties.

A perusal of the record would show that respondent No.4 had filed a civil suit against the petitioner. Learned Addl. Civil Judge(Sr. Divn.), Bholath, vide order dated 06.12.2021, had disposed of the application under Order 39 Rules 1 and 2 read with Section 151 CPC, filed alongwith the suit, directing the parties to maintain status quo with regard to possession over the suit property during pendency of the suit. Thereafter, respondent No.5 moved an application to the concerned police authorities to the effect that the petitioners alongwith others were in the process of taking the possession of the land. Accordingly, GD No.13 dated 30.06.2022 was registered against the petitioners under Section 107/151 Cr.P.C. It shows that when the petitioners and others were in the process of taking the possession of the land, respondent No.6, who is posted as Sub Inspector in Police Station Begowal, had stopped them.

In view of the above, this Court finds that there is no merit in

CRWP-9290-2022

the present petition. Moreover, the same has been filed without disclosing the material facts.

In view of the above, the present petition is dismissed with costs of Rs.10,000/-, to be deposited by the petitioners with the District Legal Services Authority, Kapurthala, within a period of one month from the date of receipt of copy of this order.

28.09.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No