

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

CRM-M-54873-2022

Date of Decision: 29.11.2022

Balvir Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr.Avtar Singh Bhatti, Advocate for petitioners

Mr.J.P.Ratra, Sr.DAG, Punjab

ASHOK KUMAR VERMA, J.

This petition has been filed under Section 482 of the Cr.P.C. seeking directions to respondent no.2 to take legal action on the representation dated 30.5.2022 (Annexure P-5) moved by petitioner no.2 against the private respondents.

Indisputably, petitioner no.1 filed civil suit against the Gram Panchayat for restraining them for interfering into the peaceful possession of the petitioners and the trial court restrained the private respondent from interfering into the possession of petitioner no.1 vide its order dated 29.11.2021 (Annexure P-2). Now the grievance of the petitioners is that despite the stay order, private respondent continues in doing illegal mining from the land which belongs to the petitioners. Learned counsel further states that the petitioners have already taken resort to initiation of

contempt proceedings against the said respondent. Normally, powers of the High Court under Section 482 of the Cr.P.C. should not be resorted to if there is an alternative remedy available for redressal of grievances to the aggrieved party. In the matter in hand, the petitioners have already availed an efficacious alternative remedy by taking resort to contempt proceedings. In this view of the matter, it would be unjust and improper for this Court to exercise inherent powers under Section 482 of the Cr.P.C.

Dismissed.

(ASHOK KUMAR VERMA)
JUDGE

29.11.2022
MFK

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No