

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

CRWP-127-2021

Date of Decision:29.03.2023

Rishipal and others

...Petitioners

vs.

State of Haryana and others

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vikram Singh, Advocate
for the petitioner.

Mr. Rajinder Kumar, Deputy Advocate General, Haryana.

Mr. Vikas Singh, Advocate for
respondents No.7 to 14 and 18.

N.S.Shekhawat J. (Oral)

The petitioners have filed the instant petition under Article 226 of the Constitution of India for issuance of a Writ in the nature of Mandamus directing the respondents No.2 to 4 to protect their life, liberty and property at the hands of the private respondents mentioned in the complaint, who are extending threatened the petitioners and their families members.

While issuing notice, the following order was passed on
07.01.2021:-

“Case heard by video conferencing.

By this petition, the petitioners seek the issuance of a writ in the nature of mandamus directing respondents no.2 to 4 to protect their lives, liberty and property, at the hands of the private respondents, who are allegedly threatening them and their family.

Learned counsel for the petitioners submits that despite the order of this court dated 17.08.2011 (copy Annexure P-3) having been implemented by the State of Haryana and the record of rights having been finalised qua all land which is subject to allusion and dilution under in all districts lying along the (Yamuna bordering Utter Pradesh), the petitioners are constantly threatened by residents of areas of Utter Pradesh, who come and harvest the crops even on lands as have been demarcated to be falling within Haryana.

Notice of motion.

Mr. B. S. Virk, learned DAG, Haryana, accepts notice at the asking of the court on behalf of respondents no.1 to 5.

Respondents no. 6 to 19 be served by normal process, with notices to be returnable on 28.04.2021.

In the meanwhile, the State shall ensure that as regards the lands falling within Haryana and shown to be belonging to the petitioners as per the revenue record, their lives, liberty and property is duly protected as per law.”

Reply by way of an affidavit of Sub-Divisional Magistrate, Samalkha has been filed on behalf of respondents No.2 and 5. Learned State counsel submits that an application dated 14.09.2020 (Annexure P-5) was submitted by the petitioners to the then Sub-Divisional Officer (Civil), Samalkha and the same was marked to Tehsildar, Bapoli by Sub-Divisional Officer (Civil), Samalkha on that very day i.e. 14.09.2020 and he was directed to submit his report and to take necessary action. Another application dated 15.12.2020 (Annexure P-8) was submitted by the petitioners to Deputy Commissioner, Panipat, which was marked to Sub-Divisional Magistrate, Samalkha. Again Sub-Divisional Magistrate, Samalkha forwarded the same to the then Tehsildar, Bapoli. In response thereto, Tehsildar Bapoli, deputed the Halka Kanoongo and Patwari concerned to ascertain whether any activity for forcibly and illegally occupying the land in question is going or not. The SHO

Police Station, Bapoli was also requested to accompany the revenue officials. When the team accompanied by police officials reached at the site the persons belonging to village Tanda of Uttar Pardesh ran away towards the area of Uttar Pardesh State through their tractor and other belongings. A report dated 18.12.2020 was also prepared, which has been annexed as Annexure R-1. Similar application dated 27.12.2020 (Annexure P-9) was submitted by the petitioners to the then Sub Divisional Officer (Civil) Samalkha. After due enquiry, it was reported that as per revenue record, i.e. Jamabandi for the year 2014-15 the land in dispute belongs to Village Khojkipur, Tehsil Bapoli, District Panipat.

Learned counsel submits that the reports Annexures R-2 and R-3 were again prepared and action has been taken on all the applications and representations submitted by the present petitioners to the authorities.

Learned State counsel further submits that the petitioners were called for personal hearing on 09.05.2022 and during the course of personal hearing the petitioners have got recorded their statements unanimously that they were fully satisfied with the proceedings carried out by the revenue department and were also cultivating the land in question as per their share. They were holding the possession of the land on spot and cultivating over the land as per their share. Learned State counsel further submits that in view of the statement made by the petitioners before the authorities, nothing survives in the instant petition.

I have heard learned counsel for the parties and agree with the submissions made by the learned State counsel that it would be appropriate to give quiteus to the present petition.

Consequently, no further orders are required and the petition is

disposed off accordingly.

29.03.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No