

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

CRM-M-41306-2018

Date of Decision: 10.05.2023

Ishwar Chand

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ajay Beniwal, Advocate for
Mr. Karan Singla, Advocate, for the petitioner.
Mr. Kirpal Singh Thakur, Assistant Advocate General, Haryana.
Mr. Aayush Gupta, Advocate, for respondent No.5.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has approached this Court praying for issuance of direction to respondents No.1 to 3 to protect life and liberty of the petitioner and his family members from the hands of respondents No.4 and 5. It is also prayed that the petitioner has filed representation dated 30.07.2018 (Annexure P-5), which should be decided.

Notice was issued in the case and the respondents were directed to file their reply. The State has filed the reply by way of affidavit of Raj Singh, Deputy Superintendent of Police (Head Quarter), Kurukshetra.

Learned State counsel has submitted that the petition filed by the petitioner is without any basis. He submits that as per the reply filed, no representation as alleged by the petitioner, has been filed. Even otherwise, he submits that as per the instructions provided by Inspector Dinesh Chauhan, the petition filed by the petitioner is without any justifiable reason.

Respondent No.7 has also filed reply through B.N. Bharti, Executive Officer, Municipal Council, Thanesar, District Kurukshetra. It is

apparent from the same that the petitioner had filed a civil suit for granting

permanent injunction against the Municipal Council, Thanesar on the averment that he was the owner in possession of the plot which was purchased vide registered sale deed dated 17.07.1970. The civil suit was dismissed by the trial Court vide its order dated 29.11.2001. The appeal filed by the petitioner was dismissed by the learned Appellate Court vide order dated 13.05.2003. Thereafter, the petitioner filed Regular Second Appeal bearing No.RSA-2851-2003, which was also dismissed by this Court vide judgment dated 08.07.2009.

Learned counsel for respondent No.5 has submitted that basically the dispute is between the petitioner and respondent No.4.

From the replies filed by the respondents, it is evident that civil dispute has been decided upto Hon'ble Supreme Court. However, keeping in view the overall facts and circumstances, there is no denial to the fact that the State has every duty to protect the life and liberty of the petitioner in accordance with law. Thus, the present petition is disposed of with liberty to the petitioner that in case there is any surviving grievance regarding protection of his life and liberty, he can move appropriate application before the competent authorities. In case any such application is filed by the petitioner, the said authority would deal with the same in accordance with law.

10.05.2023
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Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No