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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-17350-2022 (O&M)

Date of Decision : April 20, 2023

LAL DEEN @ GOGA AND OTHERS

-Petitioners

V/S

STATE OF PUNJAB AND OTHERS

-Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Rupinder K. Thind, Advocate
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

Ms. Kavita Arora, Advocate
for the respondent No.7.

Mr. B.S. Bajwa, Advocate
for the respondent Nos.8 to 10.

SURESHWAR THAKUR, J.(ORAL)

1. The prayer, in the instant writ petition, is for a mandamus being made upon the respondents No.1 to 5, to draw such proceedings, as deemed necessary, against the alleged acts of trespass, and, making of encroachments allegedly over Kabristan, existing over Khasra No.372, situated at Village Bania, Tehsil Khadur Sahib, District Tarn Taran.

2. Though, in respect of the above, it is also open for the petitioners, to galvanize the police machinery, to thus ensure a probe, is made, in respect of the said alleged act of trespass, and, encroachments, as made on the Kabristan, by certain miscreants concerned, but yet, with the above prayer, the instant writ petition is cast.

3. Therefore, despite the above alternative remedy, yet being open,

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the institution of the instant writ petition, but on the above premise, becomes a mis-recoursed remedy, and, is liable to be dismissed as such.

4. Be that as it may, the grievance (supra), as ventilated in the instant writ petition, is suggested in the reply, on affidavit, filed today by co-respondents No.2 and 3, to become mitigated, inasmuch as, a probe has commenced, against the said act of vandalism, and, encroachments, made upon the Kabristan, and, which has resulted in a Calandra being drawn, under Section 145 of the Cr.P.C., resulting in its also becoming instituted before the learned Executive Magistrate concerned.

5. In view of the above, this court finds no merit, at this stage, in the instant writ petition, and, as such is constrained to dismiss it. Consequently, the instant writ petition is dismissed. Nonetheless, the S.H.O. of the jurisdictional police station concerned, may consider, in case there is tangible evidence of threats emanating from certain errants concerned, to grant protection to the lives of the petitioner(s).

6. All pending application(s) disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(KULDEEP TIWARI)
JUDGE

April 20, 2023
devinder

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