

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.112

CRWP-2541-2024
Date of decision:19.03.2024

Kavita

...Petitioner

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON’BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Ms. Malkiat Kaur, Advocate for the petitioner.

 Mr. Rajinder Kumar Banku, DAG, Haryana

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition under Article 226 of the Constitution of India with a prayer to direct respondents No.2, 4 and 6 to protect the life, liberty and property of the petitioner and her family members at the hand of respondents No.8 to 13, who are extending threats to the petitioner and her family members, in order to illegally remove the petitioner and her family members from their property.
2. Learned counsel for the petitioner contends that respondents No.8 to 10 are the cousins of the husband of the petitioner and in collusion with the officials of Municipal Committee Tauru, they have illegally sold the property (bearing ID No.051510790/11/01, 051510791/11/01 and 051510792/11/01) vide sale deed Nos.1824, 1825 and 1826, all dated 24.03.2021, executed before Sub-Registrar, Tauru, to respondents No.11 to

13, whereas according to the revenue records, the land was outside the limits of lal dora and its Killa No. is 94/9.

3. Learned counsel further contends that petitioner had also filed civil suits, i.e. CS 369/2021, CS-370-2021 and CS-371/2021 against the respondents No.8 to 13 before the Civil Court at Nuh and vide the order dated 18.06.2021, the parties have been directed to maintain status quo in the matter and the said suits are still pending. Learned counsel further contends that the petitioner had also filed CWP No.16534 of 2021 titled as 'Kavita Vs. State of Haryana' before this Court and this Court has directed the official respondents. Ultimately respondent No.3 had directed respondents No.5 and 7 to enquire the matter. Thereafter, the enquiry was conducted by respondent No.7 and he prepared a detailed enquiry report (Annexure P-3) in this regard. It was held that the property should be shifted from Lal Dora to Radhey Nagar on the NDC portal. Learned Counsel further contends that despite status quo order, respondents No.8 to 13 forcibly entered in the property in question on 07.04.2021. Ultimately FIR No.0062 dated 13.04.2022 under Sections 420/467/468/471/120-B/34 IPC at Police Station City Tauru, District Nuh was ordered to be registered against respondents No.8 to 13.

4. Learned counsel for the petitioner further submits that under the influence of respondent No.8 to 13, no action was taken against them and the petitioner approached this Court by way of CRM M-928 of 2022 for handing over the investigation to State Vigilance Bureau. However, learned State Counsel had submitted that the investigation had been completed and final report under Section 173 Cr.P.C. would be presented within a period of eight

weeks and the petition was disposed of. Learned counsel further contends that

despite the order of status quo by the civil court, respondent No.8 to 13 wanted to take the possession of the suit property illegally and there was apprehension of breach of peace. Consequently appropriate directions may be issued to the official respondents to protect the life, liberty and the property of the petitioners.

5. I have heard learned counsel for the petitioner and perused the record.

6. It is a civil dispute between the family members of the petitioner. Respondent Nos.8 to 10 are none else but the cousins of husband of the petitioner, who are fighting over the suit property. Even the petitioner has already filed three civil suits, i.e. CS 369/2021, CS-370-2021 and CS-371/2021 against respondents No.8 to 13 and a status quo order has been passed by civil court on 18.06.2021. Still further the civil suits are still pending for adjudication before the Civil Court at Nuh. Thus, in case respondents No.8 to 13 violate the status quo order or try to take forcible possession of the suit property, the petitioner has the liberty of moving to civil court for appropriate relief. Apart from that, it has further been alleged that about 3 years ago, i.e., at about 7 PM on 7.04.2021, the private respondents tried to take possession of the suit property. However the said matter was apparently not reported to the police and only a mention of the said incident has been made in FIR No.0062 dated 13.04.2022 under Sections 420/467/468/471/120-B/34 IPC at Police Station City Tauru, District Nuh (Annexure P-4), which was registered after more than one year of the said incident. Still further, the petitioner has failed to show that any untoward incident has taken place over the suit property in the last three

unfounded and imaginary. Even otherwise, it is a simple civil dispute between both the parties, where the parties have already approached the appropriate civil court and a status quo order has already been passed. Thus it would be inappropriate to involve the police in such a matter, where the civil rights of the parties are yet to be adjudicated by the competent Court of law.

7. In view of the above discussion, there is no merit in the present petition and is ordered to be dismissed. Needless to observe that both the parties will be at liberty to pursue their remedies, if any, before the civil court, in accordance with law.

(N.S. SHEKHAWAT)
JUDGE

19.03.2024
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO