

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108 (I) CRM-M-20135-2022
Date of Decision : April 20, 2024

PARAMJIT SINGH BHATTI @ PAVITTER SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

(II) CRWP-10369-2023 (O&M)

PARAMJIT SINGH BHATTI AND OTHERS

-PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Naresh Chander, Advocate
for the petitioner(s).

Mr. Pardeep Bajaj, D.A.G., Punjab.

Ms. Kudrat Sareen, Advocate for
Mr. Sarju Puri, Advocate
for the respondents No.7, 13 and 14.

KULDEEP TIWARI, J. (ORAL)

1. On the last date of hearing, i.e. 15.04.2024, this Court had
made the hereinafter extracted order:-

“Learned counsel for the petitioner submits that the possession of the land in question is with the petitioner, however, he fails to cite any document, to establish his legal possession over the said land. That in fact, the petitioner admit the fact before this Court that the lease period, after the death of Avtar Singh, has expired, and despite that, the he is retaining illegal

possession over the land in dispute.

Learned State counsel on instructions, imparted to him by ASI Vijay Sharma, has refuted the submission as made by learned counsel for the petitioner, by submitting that the possession is not with the present petitioner. Learned State counsel further submits that now the LRs of the deceased-Avtar Singh, granted the lease agreement to some other persons, who have already taken possession of the said land. Learned State counsel also submits that in fact the petitioner and his son, both have criminal antecedents, and 09 FIRs have been registered against the petitioner, and 04 FIRs have been registered against the son of the petitioner. Learned State counsel further submits that both petitioner and his son have taken advantage of the undue demise of Avtar Singh, who in fact was an NRI, and was living in Canada.

Before this Court proceed to dismiss the present petition, with exemplary cost, the learned counsel for the petitioner submits that he needs some time to have appropriate instructions from his client to make a statement, that they will not create any hindrance to the land in question, specifically, when they do not have any legal right over the land after expiring of oral lease period.

Adjourned to 20.04.2024.

To be shown in the urgent list.

A photocopy of this order be placed on the file of the connected case.”

2. Today, the learned counsel for the petitioner(s) has placed on record an affidavit sworn by petitioner- Paramjit Singh Bhatti. In this affidavit, he has averred that, since he has sown wheat and corn crops on the disputed land, therefore, he will vacate this land in the month of May, 2024.

3. However, what emerges from the record, i.e. reply of the official respondent(s), is that, the possession of the disputed land has

already been assumed by the new lessee of the actual owners.

4. In view of the above, the instant petitions are disposed of with a direction to the petitioner(s) not to cause any hindrance in the use and occupation of the disputed land by the actual owners or their lessee. The petitioner(s) is also directed, except under due course of law, not to henceforth re-step into the disputed land, which undisputedly belongs to the LRs of deceased Avtar Singh and one Gian Singh.

5. Disposed of accordingly.

6. Pending application(s) stand disposed of accordingly.

7. A photocopy of this order be placed on file of each connected case.

April 20, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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