



CRWP-4656-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CRWP-4656-2024
Date of Decision : 14.08.2024

Pyara Lal and others ...Petitioners

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ritesh Tomar, Advocate
for the petitioners.

Mr. J.S. Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)

The jurisdiction of this Court has been invoked under Article 226/227 of Constitution of India, for issuance of directions to official respondents No.1 to 3 to protect the life and liberty of the petitioner and his family members at the hands of private respondents No.4 to 8 and provide an adequate police protection/security to petitioners.

After having gone through the pleadings, it is evident that petitioner is the sole owner and in possession of land measuring 15 kanals 8 marlas, situated in the revenue estate of village Hedon, H.B. No.448, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar, as per jamabandi 2017-18, which was purchased by him on 21.09.1987 from Ajib Singh etc. Since then the petitioners were in exclusive possession of the suit land and were enjoying the suit property without any sort of obstruction or interference from anyone.

It is asserted that private respondents No.4 to 8 are strangers and



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possession of the petitioners. The petitioners filed a suit for injunction restraining the private respondents from causing any sort of interference into lawful and peaceful possession of petitioners over the suit land, being owner of the land in question. Vide order dated 04.07.2023 (Annexure P-1) passed by learned Additional Civil Judge (Senior Division), Balachaur had restrained the private respondents from any kind of interference over the suit land of petitioners and throwing dirty, daily used water of their houses or garbage of any kind in the suit land and damaging the crops of petitioners till further orders. Petitioners again approached the Court for providing police help/security to them in cutting and removing the paddy crop so sown and standing in the suit land. Despite the order dated 12.10.2023 (Annexure P-5), the official respondents failed to adhere the directions given therein and withdrew the security/police help after one day.

In this regard, reply of the State was called for by this Court vide order dated 20.05.2024. In compliance thereto, short reply dated 29.05.2024 by way of an affidavit of Mehtab Singh, IPS, Senior Superintendent of Police, Nawanshahar, District SBS Nagar, Punjab on behalf of respondents No.1 to 3 has been filed, which is attached with the file, same is ordered to be taken on record wherein it is stated as under :-

“3. That it is respectfully submitted that the only dispute between the parties is that the respondent no.4 to 8 were putting dirty and stagnated water of their house in the land adjoining their houses, which is in possession of the petitioners and petitioners are stopping them from putting this stagnated water into their fields and due the same the quarrel took place between the parties and apart from this issue there is no other major issue between the parties. It is further submitted that preventing action under Section 107, 151 of Cr.P.C. was initiated against respondent no.4 to 8



and further on 26.06.2023, at about 06:30 PM, an altercation ensued between the parties and FIR No.52 dated 30.06.2023, under Section 323, 324, 325, 148, 149 IPC, was lodged against the respondents no.4 to 8, at police station Kathgarh, and during investigation of the case, Section 326 of IPC was also added against them. It is further submitted that after thorough investigation of the case against respondent no.4 to 8, final report under Section 173(2) of Cr.P.C. has already been presented on 23.01.2024 in the court of competent jurisdiction and the same is now pending before the Ld. Sub-Divisional Judicial Magistrate, Balachaur for 05.06.2024, for consideration of framing of charges against them. It is further submitted that a cross case vide DDR No.02 dated 01.07.2023, under Section 323, 148, 149 IPC was also lodged against the petitioners and thorough investigation of the cross case against the petitioners is being carried out and on completion of investigation, final report of the same will also be presented in the court of competent jurisdiction.

4. That with regard to the first query of this Hon'ble Court, vide order dated 20.05.2024, it is respectfully submitted that the petitioner No.1 had filed Civil Suit No.184 of 2023, before the Ld. Additional Civil Judge, (Sr. Dvn.) Balachaur, seeking permanent injunction against the respondent no.4 to 8 from discharging / putting drained and dirty water of their houses into the land in his possession and during the hearing of the said Civil Suit, the Ld. Additional Civil Judge. (Sr. Divn.) Balachaur, has passed the following order (Annexure-P-5), on 12.10.2023:

The case was fixed for filing a written statement by defendant no.3, who has been appearing in person. Today, the case was called several times since morning but none has appeared on behalf of defendant no. 3. It is already 4.30PM. Therefore, defendant no.3 is proceeded against ex



parte.

At this stage, learned counsel for the plaintiff has moved an application for providing police help to enforce interim stay order dated 04.07.2023, and to provide protection/security to applicant in cutting and removing the paddy crop so sown and standing in the suit land and in cultivating the suit land.

In view of the averments mentioned in the application in hand, the same is allowed and concerned SHO is hereby directed to provide requisite security to the applicant which is for the purpose of cutting and removing his paddy crop.

Copy of this order is separately sent to the officer Incharge/ SHO of the Police Station Kathgarh.

Accordingly, the case is adjourned to 03.11.2023, for further proceedings.

5. That it is further submitted that in view of the aforementioned order dated 12.10.2023, passed by Ld. Additional Civil Judge, (Sr. Divn.) Balachaur, the police help was provided to the petitioners and paddy standing in the land of the petitioners was harvested by them on 28.10.2023, without any hindrance from any person including the respondent no.4 to 8, in the presence of Duty Magistrate. It is respectfully submitted that the order dated 12.10.2023, passed by the Ld. Additional Civil Judge. (Sr. Divn.) Balachaur, was specifically for providing police help to the petitioner no.1 for cutting and removing his paddy crop from the suit land and the same was complied with by the answering respondents in its letter and spirit, therefore, after harvesting the paddy crop from the land by the petitioners, the police officials had returned to the Police Station.

6. That with regard to the second query by this Hon'ble Court, vide order dated 20.05.2024, it is respectfully submitted that the answering respondents or State of



Punjab, is not arrayed as party in the contempt petition bearing CM No.102 of 2023, filed by the petitioner No.1, before the Ld. Additional Civil Judge, (Sr. Divn.), Balachaur, and only respondent no.4 to 8 and three other private persons have been arrayed as respondents in the said petition and the same is pending before the Ld. Additional Civil Judge, (Sr. Divn.), Balachaur, for 29.05.2024, for filing reply by the respondent no.4 to 8 and three others. The true copy of the memo of the parties in said petition, filed by petitioner no.1 is annexed as Annexure-R-1, for the kind perusal of this Hon’ble Court. That it is respectfully submitted that the petitioners have wrongly contended before this Hon’ble Court that the answering respondents / State of Punjab have not filed reply in the aforementioned contempt petition, only in order to mislead this Hon’ble Court.”

In view of the reply submitted by respondents No.1 to 3 and the statement made by learned State counsel that there is no threat perception to the petitioner and his family members, this criminal writ petition is disposed of in the above terms.

(SANDEEP MOUDGIL)
JUDGE

August 14, 2024
Manpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No