

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

241

CWP-12840-2021
Date of Decision: 13.02.2024

JATINDER SINGH WALIA

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Kunal Sharma, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab
for respondents No.1 to 4.

None for respondent No.5.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for directing the respondents to protect the life and liberty of the petitioners and also to initiate action against the persons who made a stray entry in the revenue records pertaining to the land of the petitioner measuring 43 kanals 11 marlas in village Wadala Kalan, Tehsil and District Kapurthala.

A short reply by way of affidavit of Surinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Kapurthala has been filed on behalf of respondents No.1 to 4. The relevant extract thereof reads thus:

"2. That it is respectfully submitted that with regard to the subject matter of the present petition, an email/application dated 13.06.2021 was sent to the office of Senior Superintendent of Police, Kapurthala for providing safety of life and property of applicant from unknown person who have threatened the servants of the applicant (who are

looking after the agriculture land of the applicant) situated at village Wadala Kalan near Hotel Ramada, Kapurthala and seeking taking action against them for destroying the crops in an illegal manner. The said email/application was received by the PC. Branch Kapurthala on 15.06.2021 and endorsed with Comp. No. 354-Mail.

- 3. That it is respectfully submitted that thereafter, the said application was marked for inquiry to Incharge, Police Post Science City, Kapurthala so as to look into the matter and take necessary steps/action to ensure the safety of life and liberty of the petitioner and needful is done in accordance with law.*
- 4. That it is respectfully submitted that statement dated 24.07.2021 of the present petitioner was got recorded, whereby, it was stated therein, that the petitioner and his wife namely Smt. Rachna Walia purchased agricultural land at Village Wadala Kalan, District Kapurthala and own around 5.5 acres of land situated at village Wadala Kalan in Kapurthala near Hotel Ramada situated near main road/GT road stretching from Kapurthala to Jalandhar Further, that they had bought the land at different times through registries within a time span of 1994-2006 and walls have been constructed along the perimeter of the said land and a gate is also constructed /erected facing towards the main road. On 07.04.2021, some unknown persons tried to forcibly take the possession of their land.*

Thereafter, on 12.06.2021 at about 5:30 pm, around 5-6 unknown persons armed with pistols came at the land with a tractor and illegally destroyed the vegetable crops standing on the land. Thereafter, their servant informed them about the incident where upon the present petitioner reached the spot and found that crops worth Rs. 1.5 Lacs

had been destroyed by the said persons and further threatened them to hand over the said land, otherwise, they (present petitioner) will not be spared and also that they (the perpetrators) will come back to take forcible possession of the land.

5. *That it is respectfully submitted that the primary allegations pertain to the officials of Revenue Department, wherein, it was stated by the present petitioner that in regard to the Girdawari pertaining to Rabi Crop 2021 relating to the column of cultivation, an entry has been made in the name of one Amardeep Singh Sandhu son of Gurdial Singh Sandhu, whereas as per the present petitioner, the above said Amardeep Singh Sandhu has absolutely no connection, link or bearing with the agricultural land of the present petitioner.*

Hence, the same is a civil matter and needs to be adjudicated in the Court of Competent Jurisdiction and the concerned parties have already taken recourse to law as per the pleadings in the present writ petition.

6. *That it is respectfully submitted that the inquiry was conducted upon the said application, wherein, statements of members of the Panchayat of Village Wadala Kalan was got recorded who stated that the present petitioners do not live in Village Wadala Kalan. It was further stated by them that the present petitioner and respondent no 5 do not live in Village Wadala Kalan and further that they live with their families in Jalandhar and Chandigarh, respectively It was also stated by them that there is no danger to the life/property of the present petitioner.*

Further, for the security of the present petitioner and his wife, it was also informed that if they feel threatened,

they should contact the Police Officials. The inquiry report dated 04.08.2021 is attached as Annexure R-1/T.

7. *However, it is worthwhile to point out that the Petitioners have the following FIR's registered against them:*

- 1) *FIR Number 12 Dated 30.06.2017, U/s 409, 420, 380, 506, 120-B PS NRI Jalandhar, Police Commissionerate Jalandhar, in which the trial is currently pending before the Ld Judicial Magistrate First Class, Jalandhar.*
- 2) *FIR no 41 dated 27.02.1999 U/s 406, 420, 120-B PS Division no 6, Jalandhar, Police Commissionerate Jalandhar, in which the accused stand acquitted by order dated 16.03.2006 by the Ld. Court of Paramjit Kaur, Judicial Magistrate First Class, Jalandhar.*
- 3) *FIR No 99, dated 28.11. 2018, U/s 420, 406, 467, 468, 471, registered at PS Satnampura, District Kapurthala in which the matter is under investigation.*

8. *That it is respectfully submitted that the contact/mobile phone numbers of Deputy Superintendent of Police, Sub Division Kapurthala, Kapurthala, SHO, Police Station Sadar Kapurthala, Incharge, Police Post Science City, Kapurthala as well as Head Munshi of the Police Post Science City, Kapurthala was given to the present petitioner. Further, the mobile numbers of the above-mentioned police officials were also affixed at the board of the walls/gate of the place/land in question, where the alleged Incident is said to have taken place. It was also intimated to the present petitioner that if any threat/danger arises regarding life and liberty of the present petitioner as well his wife Smt. Rachna Walia, then they should contact them (above mentioned police officials) for their redressal and the same would be*

looked/inquired into and further necessary action shall be taken, in accordance with law.

9. *That the Private Respondent no 5, is not serving in Police district Kapurthala and has no Jurisdiction, or control over the same. Therefore, no orders will be entertained by the district police, and none have been received.*
10. *That it is respectfully submitted that the life and liberty of the present petitioner will be safe guarded and further necessary legal proceedings shall be taken by the police against any person, whosoever it is, who threatens/abuses the legal rights of the present petitioner and his wife bestowed upon them by the law of the land as is the right of all citizens. The deponent assures this Hon'ble Court that no illegal action, unlawful activity will be allowed to be committed by any individual and in case any such activity is done by any of the private respondent(s) or individual, then strict legal action will be taken, in accordance with law."*

It is evident from a perusal of the abovesaid affidavit that so far as the aspect of apprehension as regards the threat apprehended by the petitioners is concerned, the matter has already been inquired into and statements of Members of the Panchayat as well as others have been recorded, as per which, the petitioners as well as respondent No.5 live in separate towns i.e. Jalandhar and Chandigarh respectively and that there is no danger to the life, liberty and property of the petitioners. Further, the concerned officials have already shared their contact details with the petitioners and have assured that in the event, the petitioners apprehend any threat or danger, they may contact the police officials for redressal thereof.

It is also noticed that the allegation as regards making of stray entry in the revenue record has been responded by the Department to the effect that the allegation is for having entered name of one Amardeep Singh Sandhu son of Gurdial Singh, who as per the petitioners has no concern or link with them. However, the issue, if any, with regard to the possession over the land in question is *inter se* between the petitioner and said Amardeep Singh Sandhu, which can only be established by way of leading affirmative evidence by approaching the Civil Court and the said issue is not within the domain of the police.

It has also been pointed out that as many as three FIRs were registered against the petitioners. A trial is currently going on in FIR No.12, dated 30.06.2017, registered at Police Station NRI Jalandhar for the commission of offences under Sections 409, 420, 380, 506, 120-B, while the accused in FIR No.41 dated 27.02.1999 stand acquitted by the Judicial Magistrate Ist Class, Jalandhar vide judgment dated 16.03.2006. The status of FIR No.99 dated 28.11.2018 was informed to be pending, as per the reply filed by the respondents on 09.10.2021.

No replication/rejoinder has been filed by the petitioners controverting the said assertions.

I have heard the learned counsel for the respective parties and have gone through the documents and record available on case file with their able assistance.

Having considered the abovesaid aspect, it is evident that so far as the apprehension to the life, liberty and property of the petitioners is concerned, there is no subsisting grievance and appropriate measures have already been put

in place. No further direction is required to be issued therein. Secondly, as far as incorporation of the name of one Amardeep Singh Sandhu in revenue record is concerned, the said Amardeep Singh Sandhu is not a respondent herein. Further, the aspect of a person being in possession of any land as per the revenue record is a matter which is required to be agitated and established before a Civil Court/Revenue Court, as per the remedies available to the petitioner against any alteration of *khasra girdawari* and/or seeking rectification thereof.

In view of the above, no further directions are required to be issued in the present case.

The present petition is accordingly disposed of at this stage with liberty to the petitioners to pursue their appropriate remedies with respect to the civil cause of action, if any and if so advised.

FEBRUARY 13, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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