

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CWP-12876-2022 (O&M)
Date of decision: 30.04.2024

Ranjeet Kaur Sandhu and another
...Petitioners

VERSUS

State of Punjab and others
...Respondents

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

Present :- Mr. Harkirat Singh Randhawa, Advocate for the petitioners.

Ms. Niharika Sharma, AAG Punjab
for respondents No.1 to 4.

Mr. Lupil Gupta, Advocate for respondents No.5 to 7.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the official respondents to protect the life, liberty and constitutional rights of the petitioners with a further prayer that the official respondents be directed to conduct a free and fair investigation in FIR No. 117 dated 14.10.2021 registered under Sections 379, 447, 511 and 427 IPC at Police Station Bhikhiwind, District Tarn Taran against the private respondents.
2. Learned counsel appearing on behalf of the petitioners contends that petitioner No.2 is Ex. Head Granthi, Takht Sachkhand Sri Hazur Sahib, Nanded while petitioner No.1 is his wife. He submits that one Saroop Singh was the owner of land measuring 32 *kanals* and 3 *marlas* situated in village Blair, Tehsil Patti, District Tarn Taran but the private respondents herein had

an evil eye on the said property. Saroop Singh was accordingly compelled to file a suit for declaration to the effect that he was the rightful owner of the said suit property. The said suit was decreed in favour of Saroop Singh which was confirmed by this Court vide **judgment dated 10.03.2015** passed in **RSA-555-2012** titled as '**Sukhwant Singh and others Vs. Saroop Singh**'. Dissatisfied with the aforesaid judgment dated 10.03.2015, the private respondents approached the Hon'ble Supreme Court of India and vide order dated 08.10.2018 passed in **SLP No.26376/2018** titled as '**Sukhwant Singh Vs. Saroop Singh and another**', the judgment passed in **RSA-555-2012** was upheld. Saroop Singh's claim over the suit property attained finality.

3. He further submits that pursuant to the said judgment and decree, possession of the suit property was secured in favour of Saroop Singh vide warrants of possession issued by the Civil Judge (Jr. Divn) Patti, vide order dated 16.05.2017 passed in EXE/75/2015. Saroop Singh eventually expired on 04.07.2018 and the petitioners became owner in possession of the suit land on the basis of registered Will executed by Saroop Singh to the extent of 1/2 each and the mutation was also sanctioned by the revenue authorities in their favour.

4. Notwithstanding the Civil Court decree and possession having been delivered by the Civil Court and execution proceedings, the private respondents started interfering in the possession of the petitioners. Accordingly, the petitioners filed a separate Civil Suit for permanent injunction restraining the private respondents from interfering in the peaceful possession of the petitioners and vide order dated 24.08.2021, the

Civil Judge (Jr. Divn.) Patti, directed status quo to be maintained with respect to the property in question.

5. In complete disregard to the said order of status quo, the private respondents entered into the suit land and have harvested the crops sown by the petitioners. FIR No. 117 dated 14.10.2021 was accordingly registered under Sections 379, 447, 511 and 427 IPC at Police Station Bhikhiwind, District Tarn Taran against the private respondents. Learned counsel for the petitioner contends that the aforesaid circumstances occurs each and every harvest and that the private respondents forcibly took away the crops of the petitioners but the police is not taking appropriate action.

6. Learned State counsel submits that the investigation in the said FIR is already complete and the charge-sheet has already been file against the private respondents which is pending before the Competent Court.

7. Learned counsel appearing on behalf of respondent No.5 to 7 (private respondents) however contends that no further cause of action survives in the present petition as the police have already registered the FIR in the matter and the final report already stands filed and thus the present petition deserves to be dismissed.

8. I have heard the learned counsel appearing on behalf of the respective parties at length and have gone through the documents appended with the present petition.

9. Taking into consideration the totality of the circumstances as also the claim made by the petitioners who are of more than 60 and 67 years of age respectively, and who are apprehending a constant threat from respondents No.5 to 7 and have not been allowed to enjoy fruit of their

labour and harvest i.e. the crop sown over the suit land despite the title having been cleared upto the Hon'ble Supreme Court and possession having been delivered by virtue of a Court order and notwithstanding an order of status quo granted by the Civil Court. The respondent-State is accordingly directed to take appropriate steps to protect the property of the petitioners at the time of harvest against any evil design on the part of the private respondents in unduly harvesting the crops. Further, considering that the charge-sheet has already been filed for having forcibly cut the crops from the fields despite the same having been sown by the petitioners, respondents No.5 to 7 are directed to deposit a sum of Rs.2,50,000/- with the Illaqa Magistrate, Tarn Taran, within a period of 06 weeks from the date of receipt of certified copy of this order, subject to the final out-come of the criminal proceedings emanating from the FIR No. 117 dated 14.10.2021 registered under Sections 379, 447, 511 and 427 IPC at Police Station Bhikhiwind, District Tarn Taran against the private respondents.

10. The present petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

30.04.2024

Mangal Singh

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