

2024.PHHC.144010



**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CWP- 24464-2024
Date of Decision: 05.11.2024

SANJEEV DHILLON AND OTHERS

... Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Ms. Rashi Shahrawat, Advocate
for the petitioners.

Mr. Aditya Sharda, DAG, Punjab
for respondents No.1 to 9.

Mr. Amit Jhanji, Sr. Advocate with
Ms. Priyanka Kansal, Advocate
for respondents No.10 to 12.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioners have approached this Court for seeking issuance of directions to the official respondents No.1 to 4 to protect their lives and liberty at the hands of private respondents No.10 to 12. A further prayer has also been made for directing the official respondents No.5 to 9 to ensure that the demarcation of petitioners' land in Khasra No.184/12 and 184/8 at Village Kasel and private respondents' land in Khasra No.1 and 2 at Village Kot Siwian, District Tarn Taran is conducted fairly and transparently under the supervision of the Commission appointed by respondent No.5.

Learned counsel for the petitioners contends that the petitioners are rightful owners of agricultural land measuring 08 kanals and 05 marlas bearing

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Khewat No.375/365, Khatauni No.1396 and 1399 with Khasra Nos.184/12(3-11), 8(5-0), 9(8-0), 7(0-2), 3(6-7) and 2(8-0) situated at village Kasel, District Tarn Taran, Punjab. The land is contiguous with Village Kot Siwian and Village Mianpur. The land has been in the lawful possession of the petitioners and their ancestors for many decades. It is further contended that private respondents No.10 to 12 are members of Dera Baba Khusia Dass, residents of Dera Baba Khusia Dass, Village Thatha, P.S. Jhabal, Tehsil and District Tarn Taran, Punjab, who own land in Khasra No.1 and 2 at Village Kot Siwian which borders the land of the petitioners at Village Kasel. It is further submitted that the private respondents have unlawfully encroached upon and trespassed the land of the petitioners at Village Kasel particularly in Khasra No.184/8 and 184/12. A Civil Suit for Permanent Injunction bearing No.269 of 2000 was filed by late Col. Joginder Singh Dhillon (father of petitioner No.1) against private respondents No.11, 12 and father of respondent No.10. The said suit was decreed in favour of said Col. Joginder Singh vide judgment dated 02.12.2004 restraining the father of respondent No.10 and private respondents No.11 and 12 and the other members of the Dera from dispossessing Joginder Singh and his heirs from the land in Khasra No.184/8 and 184/12 at Village Kasel, District Tarn Taran. It is averred that despite the decree of permanent injunction, the private respondents continuously and unlawfully claimed possession of portions of the petitioners' land at Village Kasel using unlawful force against the petitioners and their family members.



The petitioners accordingly submitted a request for demarcation of their land, whereupon the demarcation was carried out by the concerned Kanungo by using DGPS/Laser Technology on 21.05.2024 under the orders of Naib Tehsildar, Jhabal Kalan. Boundary pillars were established. A formal demarcation report was accordingly generated; but the said Kanungo delayed the issuance of said report and the same was made available to the petitioners only on 12.06.2024. Thereafter, the private respondents also demanded the demarcation of their land in Khasra No.1 and 2 at Village Kot Siwian and as such, a separate demarcation was conducted on 29.05.2024 in the presence of gathering of people. The said demarcation dated 29.05.2024 was alleged to be biased and flawed as certain unauthorized individuals were allowed to take charge of the process of undertaking the demarcation. On account of discrepancies in the preparation and submission of the said report, a representation was submitted by petitioner No.1 to the District Collector, Tarn Taran for appointment of an independent Commission to carry out the demarcation of both the villages by following due process of law. A Commission was accordingly appointed by the District Collector, Tarn Taran under the Chairmanship of District Revenue Officer vide order dated 18.06.2024. The demarcation by the said Commission was to be conducted on 04.07.2024, however, the same could not be undertaken due to non-availability of the police force. A request for providing police protection was also forwarded by the said District Revenue Officer. Process for demarcation was undertaken on 10.07.2024, however, the same could not be completed and the Commission decided to meet again on 09.08.2024. Both the

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parties were restrained from entering the fields in question and using the Canal Dhana during the pendency of the demarcation process and until submission of report. Notwithstanding the said direction, the private respondents are alleged to have interfered in the actual and physical possession of the petitioners over their land. A complaint dated 03.08.2024 in this regard was submitted by petitioner No.1 and his uncle –Col. (Retd.) Rajinder Pal Singh Dhillon to the District Collector, Tarn Taran, which was marked to respondents No.3 and 6 for further action, but no fruitful action has been taken thereupon. Even the demarcation process on 09.08.2024 also remained inconclusive.

Therefore, feeling aggrieved of the delayed demarcation process and the repeated violations being made by the private respondents, the petitioners have approached this Court by filing the instant writ petition.

On 23.09.2024, when the matter came up for hearing, learned State Counsel was directed to submit a status report before this Court. In compliance to the said order, a status report by way of affidavit of Kamalmeet Singh, PPS, Deputy Superintendent of Police, Sub-Division Tarn Taran dated 28.10.2024 has been filed today in Court. Copy thereof has been furnished to the learned counsel for the petitioners. Relevant part of the said report is reproduced hereinafter below: -

“3. That on the receipt of order dated 13.09.2024 passed by this Hon'ble Court alongwith the copy of present petition before the office of Senior Superintendent of Police, Tarn Taran i.e. the respondent No.3 and the same was marked to the undersigned for conducting verification of facts and in this regard, the verification of facts was conducted by the undersigned through Station House



Officer, Police Station Sarai Amanat Khan, District Tarn Taran i.e. the respondent No.4 and during the course of verification, it has been emerged on record that the petitioner namely Sanjeev Dhillon and his brother Rajinderpal Singh Dhillon moved a representation bearing No.168- DC dated 08.08.2024 before the District Collector, Tarn Taran against opposite party by levelling allegations of trespass in their land in the mid-night of 27/28.07.2024 and further, giving them threats of life and further, on 29.07.2024 the opposite party injured their relative Sukhwinder Singh son of Gurkirpal Singh by hitting with car and also given threatening to their lives and the said representation was marked to SHO, Police Station Sarai Amanat Khan and the preliminary enquiry was conducted by ASI Harpal Singh and during the enquiry, it has been found that both the parties are having their land dispute and in this regard, the cases are pending before the Civil Court and revenue department and on 10.07.2024, the revenue department has conducted demarcation of land with the consent of both the parties and the both parties were given the time of one week by the Deputy Commissioner, Tarn Taran for obtaining report of demarcation and further, no evidence came on record regarding the injuries or physical assault on their relative as alleged by the petitioner/ applicants at any point of time and they also failed to produce any medical record of said injured before enquiry officer. As such, the allegations levelled by the petitioner/applicants were found to be false and said representation has been consigned.

4. *That as far as the factum regarding representation No.1125-DPO dated 21.08.2024 i.e. Annexure P-10 is concerned, it is submitted that the above said representation was marked to Superintendent of Police (Headquarters), Tam Taran and in this regard, the preliminary enquiry was conducted by the enquiry officer and after conducting the preliminary enquiry, it has been*



emerged on record that the parties are having dispute regarding property, as such the said representation has been consigned with direction to parties to file case before Court of law.

5. *That it is submitted that the local police is doing its duty as per law of land and fair manner without any kind of pressure and further there is no lapse on the part of local police as alleged by the petitioner and further the local Police is duty bound to protect the life and liberty of every individual living in the local jurisdiction of District Tarn Taran and in case there will be any threat to the life and liberty of the petitioner and her family, in that case, appropriate steps in this regard would be taken by the local police.”*

Learned Senior Counsel appearing on behalf of private respondents No.10 to 12 has apprised this court that insofar as the process of carrying out demarcation of both the villages i.e. Village Kasel and Village Kot Siwian is concerned, the independent Commission has already completed its exercise on 24.09.2024 and has also submitted its report. As per the said report, there was certain deficit of land in the revenue estate of Village Kasel during the consolidation proceedings undertaken in the year 1961-62 and that the consolidation proceedings in the village of private respondents No.10 to 12 took place in the year 1952-53. It was held that private respondents No.10 to 12 are in actual and physical possession of the land which was duly purchased by them.

Counsel for the petitioners, however, contends that no such copy of the demarcation has been supplied to the petitioners.

The respondent-State is directed to ensure that a copy of the said demarcation report submitted by the Commission headed by the District Revenue Officer is supplied to the petitioner within a period of four weeks of the receipt

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of certified copy of this order. The petitioners shall, thereafter, be at liberty to take recourse to the appropriate remedy available to them in accordance with law so far as their civil rights are concerned.

Adverting to the apprehension about threat to lives and liberties of the petitioners, it is evident from a perusal of the reply filed by the respondents-State that there is no real threat and that the complaint in question had been submitted on account of the pending civil dispute between the parties and heightened apprehensions. Hence, I am of the opinion that no further directions for providing any security cover to the petitioners is required to be issued to the respondent-State at this stage.

The present petition is accordingly disposed of with liberty to the petitioners as aforesaid.

05.11.2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No