

229

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRWP-11912-2023
Date of decision: 07.08.2024

Mahipal Tanwar and anotherPetitioners

versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Parkash Chahar, Advocate
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

RAJESH BHARDWAJ, J.

1. Prayer in the present petition is for directing respondents No.1 to 4 to protect the life and liberty of petitioners and their family members from the hands of respondents No.5 to 12 by providing adequate security to petitioners and to direct the official respondents to make further required arrangements to maintain peace and harmony in the village as respondents No.5 to 12 are bent upon to cause injury to petitioners and other residents of village are supporting petitioners in action to evict respondents No.5 and 11 who are in illegal possession of Gram Panchayat land and even after respondents No.5 and 11 were evicted in due course of law on 06.11.2023 but thereafter, they again encroached the said land of Gram Panchayat and have even caused injuries to two residents and have openly declared to teach a lesson to petitioners and their supporters.

2. It has been contended by counsel for the petitioners that petitioner No.1 is the elected Sarpanch of the Village Asan Khurd whereas petitioner No.2 is brother of petitioner No.1 who actively participates in

social works and welfare for the Village residents. Petitioner No.1 being Sarpanch of the Village started taking action against the encroachers to get the panchayat land released and filed application under Section 7 of the Punjab Village Common Lands (Regulations) Act, 1961. He has submitted that respondent No.5 had encroached upon the panchayat land measuring about 62 kanals 04 marlas. It is submitted that respondents No.5 and 11 and their henchmen committed theft on agricultural produce from the panchayat land and FIR No.429 dated 09.11.2023 was registered under Sections 148, 149, 379, 447, 506 IPC and Section 25 of Arms Act by PS Matlauda. Hence, the petitioners and their families earned wrath of the residents and hence they have a threat to their personal life and liberty from respondents No.5 to 12. It is thus, submitted that the petitioners had approached this Court by way of filing the present petition.

3. Learned State counsel has submitted before this Court that the grievances raised by counsel for the petitioners have already been duly verified and have been redressed. He has drawn the attention of this Court to the reply filed by way of affidavit of Mr. Krishan Kumar, HPS, Deputy Superintendent of Police, CAW, Panipat. He has submitted that this is the second petition filed by the petitioners as they earlier approached this Court by way of filing CRWP-7438-2023 which was withdrawn vide order dated 28.07.2023 with liberty to seek alternate remedy. He submits that PSI Arvind, Incharge of Police Post Thermal, Police Station Matlauda, Panipat was deputed to enquire about the threat perception over the life and liberty of the petitioners. It is submitted that respondents No.5, 6, 8, 10, 11 and 12 joined the enquiry and their statements were recorded. As per their statements, it was found that they did not have any criminal

dispute or enmity with the petitioners. It further reveals from the enquiry that the private respondents have filed CWP-25449-2023, by virtue of which, their eviction was ordered to be stayed by this Court vide order dated 09.11.2023. In the enquiry, it was further found that respondent No.5-Balbir is 80 years of age and respondent No.6 was a government employee. So far respondents No.7 and 9 are concerned, they were in judicial custody in FIR No.432 dated 12.11.2023 under Sections 148, 149, 323, 341, 379, 506 of IPC, registered at P.S. Matlauda, Panipat. Thus, he submits that in the enquiry conducted, the threat perception as alleged was not established. The FIR's registered are already under investigation. He thus, submits that no further action is required to be taken and hence, the petition deserves to be dismissed.

4. Heard. On hearing counsel for the parties and perusing the reply filed by the State, it is apparent that the grievances raised by the petitioners have already been enquired into. The threat perception have been assessed and the same was not substantiated. The FIR was also registered against the private respondents. Thus, there being no cause of action survives to be adjudicated in the present case. Hence, the petition is disposed of as infructuous. However, the petitioners would be at liberty to avail their remedies if any further cause of action accrues to them.

07.08.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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