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

**CRWP-4507-2025 (O&M)
Date of decision: 03.05.2025**

Balbir Kaur

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Harsh Chopra, Advocate and
Mr. Satnam Singh, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. Present criminal writ petition has been filed under Article 226 read with Article 227 of the Constitution of India seeking issuance of directions to the official respondents to protect the life and liberty of the petitioner, her family members and authorized person, from the hands of respondents No.7 & 8 and to take stern action against them in view of the judgment rendered by this Court in CRWP-807-1994 and further to decide the representation/complaint dated 15.02.2024 (Annexure P-12) in a time bound manner.

2. Learned counsel for the petitioner, *inter alia*, contends that the

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petitioner is a widow and is an NRI and she is in partial ownership of House No.102, Guru Tej Bahadur Nagar, Jalandhar, to the extent of $\frac{1}{2}$ share and her husband late Surinder Pal was the owner to the extent of another $\frac{1}{2}$ share vide sale deeds dated 13.05.1998 and 14.05.1998. After death of her husband, another half share of the disputed property was inherited by the petitioner, her two sons namely Manjinder Kumar and Mandeep Kumar and one daughter Sharandeep Kaur, in equal four shares. Respondent No.7 was a tenant in the aforesaid property and since the petitioner intended to use the same for her own use and occupation, she filed an Ejectment Petition No.Rent/317/2019 under Section 24 of Punjab Rent Act, 1995 against respondent No.7, which was allowed vide order dated 13.12.2019 (Annexure P-2) passed by learned Civil Judge (Jr. Divn.)-cum-Rent Authority, NRI cases, Jalandhar. Feeling aggrieved against the said order dated 13.12.2019 (Annexure P-2), respondent No.7 preferred an appeal bearing No.RA/07/2020 before learned Additional District Judge-cum-Appellate Authority, Jalandhar and the same was dismissed vide judgment dated 25.03.2021 (Annexure P-3) and she was directed to deliver vacant possession of the disputed property to the petitioner within a period of two months from the date of supply of certified copy of the said order. Thereafter, respondent No.7 filed a petition i.e. CR-1259-2021 before this Court challenging the order dated 25.03.2021 (Annexure P-3), however, the same was also dismissed vide order dated 19.12.2022 (Annexure P-4) and the SLP bearing No.2657 of 2003 filed by her against the order (Annexure P-4)

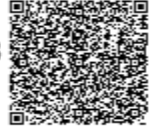
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before the Hon'ble Supreme Court was also dismissed vide judgment dated 14.02.2023 (Annexure P-5). As such, order dated 13.12.2019 (Annexure P-2) attained finality upto the Hon'ble Supreme Court.

3. Learned counsel for the petitioner further contends that when respondent No.7 did not comply with order dated 13.12.2019 (Annexure P-2), the petitioner filed an execution application bearing No.EXE/156/2020 before learned Civil Judge (Jr. Divn.), Jalandhar, wherein vide order dated 22.12.2023 (Annexure P-6), warrants of possession were issued directing the Bailiff of the Court to break the locks put on the disputed property with the help of jurisdictional police authorities and to deliver possession of the same to the petitioner. Thereafter, the possession was handed over to the petitioner through her authorized person, namely Satnam Singh and the articles lying there were handed over to one Iqbal Singh on sapurdari, as evident from Annexure P-7. Further, photography and videography of the whole process was done and in this regard, photographs and DDRs (Annexures P-8 & P-9) are available on record. After that, the Execution Application was dismissed as fully satisfied vide order dated 10.01.2024 (Annexure P-10). However, on 22.01.2024, respondent No.7 moved an application before the executing Court seeking return of the articles given on sapurdari, at the time of taking over the possession by the petitioner, which was allowed vide order dated 22.01.2024 (Annexure P-11) and she took custody of the articles, as per list prepared by the Bailiff, on 03.02.2024, from sapurdar and the said application was disposed

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of vide order dated 05.02.2024 (Annexure P-11/A).

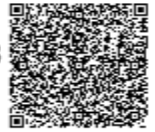
4. Learned counsel for the petitioner next contends that on 10.02.2024, the petitioner through her authorized person came to know that respondents No.7 & 8 and some other unknown persons forcibly trespassed into her property and broke open the locks put by her. He was criminally intimidated by respondents No.7 & 8 and he had to immediately leave the spot. Faced with the aforesaid situation, the petitioner submitted a criminal complaint dated 15.02.2024 (Annexure P-12) before the jurisdictional police authorities, through registered post, for registration of a case against respondents No.7 & 8 and their associates, however, the same has not been decided till date. Having left with no other option, the petitioner had to file an application under Section 144 of Code of Civil Procedure, 1908 seeking restoration of possession of the property in question and the same is pending adjudication.

5. Learned counsel for the petitioner further submits that the petitioner would be satisfied, in case a direction is issued to respondent No.2 to consider and decide the criminal complaint/representation dated 15.02.2024 (Annexure P-12) submitted by her in a time bound manner.

6. Notice of motion to the official respondents only.

7. On asking of the Court, Mr. Nitesh Sharma, DAG, Punjab, accepts notice on behalf of respondents No.1 to 6-State. Learned counsel for the petitioner is directed to supply copy of complete paperbook to learned State

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counsel during course of the day.

8. Keeping in view the prayer made by the petitioner and without commenting anything on the merits of the case, present petition is disposed of with a direction to respondent No.2 to personally verify the veracity of the allegations made by the petitioner in the criminal complaint/representation dated 15.02.2024 (Annexure P-12) submitted by her, within a period of four weeks from the date of receipt of certified copy of this order and if the issue raised by the petitioner in the criminal complaint/representation (Annexure P-12) has any substance, appropriate action be taken, in accordance with law.

03.05.2025
vishnu

[HARPREET SINGH BRAR]
JUDGE

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