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

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CRWP-5793-2023 (O&M)
Date of decision: 27.01.2025

Ram Kumar and another**...Petitioners**

Versus

State of Haryana and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Apoorv Garg, Sr. DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The present criminal writ petition has been filed under Article 226 of the Constitution of India seeking protection to the life and liberty of the petitioners on account of undue harassment caused by respondent No. 8-Gram Panchayat as well as other respondents and for taking action against the respondents, who are alleged to be in the process of demolishing the houses of the petitioners without any notice or procedure.

2. Learned counsel for the petitioners has submitted that petitioner Nos. 1 and 2 are father and son, respectively. Petitioner No. 1 is having one more son, namely Amit, who is involved in case arising out of FIR No. 386 dated 14.05.2022, registered under Sections 15, 17 and 29 of the NDPS Act, 1985 at Police Station City Sirsa, wherein the main accused is Amandeep

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Singh. The trial in the said case is going on. Amit had been granted concession of anticipatory bail in the aforesaid case. He is involved in one more case bearing FIR No. 299 dated 15.09.2022, registered under Section 15 of the NDPS Act, 1985 at Police Station Nathusari Chopta, District Sirsa, wherein also, he had been granted concession of anticipatory bail. It is further submitted that SHO of the Police Station Nathusari Chopta had written to the Gram Panchayat, Rampura Bagrian about the status of Amit and his properties, to which, a false report had been given by the Gram Panchayat mentioning the house of the petitioner No. 1 as the house of his son Amit, whereas, as per family ID, the address of the house of Amit is H. No. 110, Village Rampura Bagrian. Learned counsel has submitted that son of petitioner No. 1 is not associated in any type of the property of the petitioners and rather, he is residing in an agricultural land, which is part of Khsara No. 10/1 of Khewat No. 167//140 min Khatoni No. 201. Even petitioner No. 1 had disowned him by giving a declaration to this effect in the newspaper. The apprehension of the petitioners is that the houses of the petitioners shall be demolished in an illegal manner and they can also be implicated in some false case. It is, thus, urged that appropriate directions be issued to protect the life and liberty of the petitioners and their properties at the hands of respondent No.8-Gram Panchayat and not to implicate them in any false case.

3. Reply, on behalf of respondents No. 1, 4 and 7, has been filed. A separate reply by way of affidavit of respondent No. 6-Block Development and Panchayat Officer, Nathusari Chopta has also been filed on behalf of respondents No. 2, 5, 6 and 8. A joint perusal of both the replies reveals that

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the allegations as levelled by the petitioners have been denied by respondents No. 1, 4, 7 and it is submitted that the petitioners have not been harassed or humiliated at all by the police at any point of time. It is also submitted that above named Amit had been involved in sale and purchase of narcotic substance and two cases under the NDPS Act have been registered against him. In order to ascertain whether aforesaid Amit had acquired any property illegally, respondent No. 7, well within his rights, had moved an application to respondent No. 6-Block Development and Panchayat Officer, Nathusari Chopta in this regard and in response to that same, it was communicated that Amit had constructed his house by encroaching upon the Panchayat land. It is submitted by learned Senior Deputy Advocate General, Haryana that a letter was received by respondent No. 6 from respondent No. 7-SHO, Police Station Nathusari Chopta regarding verification of ownership of house of aforesaid Amit, who is son of petitioner No. 1 and brother of petitioner No. 2. In pursuance of the same, respondent No. 6 had sought a report from respondent No. 8-Gram Panchayat, who had reported him that the house of aforesaid Amit was constructed on the land of Gram Panchayat. This report was forwarded to respondent No. 7. It was also found that the houses of the present petitioners were also situated over the Panchayat land. It is submitted that the answering respondents are not ceased of any action for demolishing the house of the petitioners and they had not issued any notice in this regard so far but they reserve their right to evict the petitioners from the Panchayat land in accordance with due process of law.

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5. I have heard learned counsel for the parties at considerable and have also gone through the record carefully.

6. Admittedly, on receiving a communication from respondent No. 7-SHO of the police station concerned, respondent No. 6- Block Development and Panchayat Officer, Nathusari Chopta had only sought a report from respondent No. 8-Gram Panchayat with regard to ownership of the house of son of petitioner No. 1, namely Amit, who is involved in two cases under the NDPS Act. During inquiry, it was found that the houses of the present petitioners were also situated over the land of Panchayat. This is an admitted position that at this stage no notice whatsoever had been issued for demolition of the houses of the petitioners or any such action is pending before the authorities. Obviously, in case the houses of the petitioners are found to have been constructed over the land of Panchayat, the authorities concerned are always at liberty to get back their land while following the proper procedure as prescribed in law. Even if it is assumed that the houses of the petitioners are not situated at Panchayat land and still the authorities concerned are in the process of demolishing the same, the filing of a criminal writ petition seeking directions to the authorities not to demolish their houses is not a proper remedy. So far as the protection of the life and liberty of the petitioners on account of undue harassment caused by respondent No. 8-Gram Panchayat is concerned, nothing has been demonstrated before this Court by the petitioners to believe that they are being subjected to any harassment at the hands of respondent No. 8, for which, they need protection. The matter is certainly pre-mature. Keeping in view the facts and circumstances of the case,

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the present petition is disposed of. However, the petitioners are granted liberty to avail their legal remedies in accordance with law, at appropriate stage.

27.01.2025

Waseem Ansari

Whether speaking/reasoned

Whether reportable

(MANISHA BATRA)

JUDGE

Yes/No

Yes/No