



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

CWP-15006-2025 (O&M)
Date of decision :23.05.2025

PARVEEN MALHOTRA AND OTHERS

...Petitioners

Versus

SUPERINTENDENT OF POLICE, POLICE LINES,
AMBALA CITY AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sangita Dhanda, Advocate
for the petitioners.

Mr. Rajneesh Chadwal, A.A.G., Haryana.

HARSH BUNGER, J. [ORAL]

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is, *inter alia*, for issuance of a writ in the nature of *certiorari*, for setting aside the order dated 15.05.2025 (Annexure P-17) passed by the learned Chief Commissioner, Haryana Right to Service Commission, Haryana.

2. Briefly, petitioners are stated to be the residents of Dayal Bagh, Ambala Cantt. and they claim that they are living in seven residential houses in a closed street with a dead end, which is in U-shape, having a single access road from the main road, as depicted in the site plan (Annexure P-1). It is averred that few years ago, respondent No.8

(Deepak Sandhu), who is also a resident of the same locality, has made the life of the entire locality difficult by keeping 10-15 stray dogs in his house without the permission of the Government/District authorities and later on, he left the said dogs in the locality. It is stated that when the residents of the area objected to the afore-said act of respondent No.8 then he said that he will soon take them to his vacant plots but he never did so.

2.1 According to the petitioners, an atmosphere of fear has been created in their street as the stray dogs fight with each other and keep barking at almost all passers-by, consequently, the residents of the locality, children and elderly people are forced to stay confined in their homes. Petitioners are stated to have submitted a complaint dated 17.03.2025 (Annexure P-4) to the civil authorities against respondent No.8 and simultaneously, they also submitted a representation to respondents No.4 to 6, highlighting their security concerns and also to seek approval/permission for installing an iron sliding gate at the entry point of their street for their safety from stray dogs/cattle/bulls and un-authorized persons.

2.2 It is the case of the petitioners that they had given an information regarding installation of sliding gate to their local Municipal Councillor, Shri Som Nath (Ward No.8) on 19.03.2025; who is stated to have visited the spot and given his consent. It is further stated by the petitioners that the gate was installed in the presence of the above referred Councillor and till date, nobody had objected to the same.

2.3 It transpires that respondent No.8 submitted a complaint to various authorities including concerned Station House Officer, Deputy Superintendent of Police and Senior Superintendent of Police against the petitioners, *inter alia*, stating that the petitioners have installed an illegal iron gate and thereby obstructed the way of respondent No.8. It further

appears that respondent No.8 also instituted a criminal complaint before the Illaqa Magistrate, Ambala; wherein, vide order dated 27.02.2025 (Annexure P-11), an action taken report was sought from the concerned Station House Officer; whereupon, the police is stated to have submitted a report (Annexure P-13) stating therein that respondent No.8 does not visit the street of the petitioners therefore, there is no obstruction caused to him by the iron sliding gate.

2.4 Apparently, respondent No.8 also submitted a complaint before the Haryana Right to Service Commission, Haryana, who vide his order dated 08.05.2025 (Annexure P-14) sought report from the Deputy Superintendent of Police (HQs), Ambala, the relevant extract of which reads as under :-

“5.(i) The appellant stated that an iron gate has been installed by local residents on a public street without obtaining any permission, and it is obstructing his Right of Way. He referred to Section 126(1) of the Bharatiya Nyaya Sanhita (BNS), 2023 which states :

“Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in which that person has a right to proceed, is said wrongfully to restrain that person.”

He further cited Sections 324 and 326 of the BNS, along with Sections 173(1), (2), and (4) of the Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023, to support his claim that the police ought to have registered an FIR against the individuals responsible.

(ii) On the other hand, the FGRA-cum-DSP (HQs) stated that the complainant does not reside in the street where the iron gates have been installed. He added that the gates are installed at the end of the street in which where there are 7-8 houses, and all residents had consented to their installation. When asked whether any formal permission had been obtained

for installing the gates, he responded to the negative but mentioned that the residents might have applied to the Municipal Committee/Council.

(iii) In response, the appellant clarified that although he is not a resident of that street, the gates still pose an obstacle if he needs to pass through it, and thus, they do obstruct his Right of Way.

6. The Commission has considered all the facts and circumstances of this case. It is evident that the respondents are not fully aware of the applicable laws. As per legal provisions, prior permission from the competent authority is mandatory before installing iron gates on a public street. Such permission is granted only after due consideration, which includes obtaining comments from the police and other concerned departments. No individual or group has the right to install an iron gate on a public street without such permission. To illustrate this, a copy of the permission dated 09.12.2021 (Annexure-A) issued by the District Magistrate, Panchkula, is enclosed with these orders. Similarly, in a recent case before the Commission, permission for gate installation on a street in an HSVP sector in Gurugram was granted through an order dated 21.01.2025 (Annexure-B). That order was duly signed by the Estate Officer (HSVP), Deputy Commissioner of Police (Gurugram), and Deputy Commissioner (Gurugram), highlighting the need for obtaining approvals in such cases.

From the present case, it is evident that a cognizable offence has been committed, as no permission was obtained and neither any FIR has been registered, nor the illegal gates have been removed. Initially, the DSP (HQs) stated that the matter had been referred to the Municipal Committee/Council, Ambala, and that a meeting would be held. However, when the Commission indicated it might invoke its powers for failure to act in accordance with the law, the DSP (HQs) assured that steps would be taken promptly for removing the gate---a proposal to which the appellant agreed.

Accordingly, without passing any further orders at this stage, the proceedings are adjourned for one week to await a report from the DSP (HQs), Ambala in this regard.”

2.5 It appears that the petitioners herein have instituted a civil suit (Annexure P-15) for permanent injunction for restraining the defendants in the suit (police authorities), from interfering or demolishing the iron sliding gate.

2.6 Thereafter, the petitioners are said to have approached the Haryana Right to Service Commission, Haryana, with an application seeking recalling of the order dated 08.05.2025 (Annexure P-14); however, the respondent No.7-Commission passed the impugned order dated 15.05.2025 (Annexure P-17), the relevant extract of which reads as under :-

“2. Following the issuance of these orders and uploading on the Commission’s website, an application was submitted to the Commission on 14.05.2025 by Sh. Harjot Singh, Advocate, who was accompanied by 4 residents of that area. The application requests the reconsideration of the Commission’s order dated 08.05.2025, concerning the removal of a gate illegally installed by the residents of his street. The application details various things, including references to the conduct of Sh. Deepak Sandhu, their animosity towards him due to the Revisionist keeping stray dogs, and his social media posts on the subject. Most of these details are irrelevant to the case. The only pertinent information is that they had informed the Municipal Councilor of Ward No.8, Dayal Bagh, Ambala Cantt, on 19.03.2025, regarding the installation of a sliding gate in the street, and they submitted an application dated NIL, but perhaps received on 17.03.2025, addressed to the Administrator, Municipal Council, Ambala Cantt, seeking permission for the gate’s installation. Reminders were also sent to the Executive Officer, Municipal Council, Ambala Cantt, and the SDM, Ambala Cantt. The documents clearly show that permission to install

the gate has not been granted to date, which is the sole relevant factor for consideration in this case. They have also contended that it is not a public street because all the respondents have given their consent for the gate's installation.

3. *The Commission has considered the application submitted by the Advocate on behalf of the other residents of the street but is not convinced by the arguments presented. Most of these arguments are irrelevant to the case at hand. This street is a public street because it is not owned by the residents. They cannot, even collectively and with consent, transform a public street into a private one by installing a gate. Consequently, even with the unanimous agreement of all residents on the street regarding the installation of a gate, such as installation cannot be considered legal without the prior authorization of the competent authority. Therefore, all the arguments are dismissed. However, given that they have already applied for permission, albeit to the Municipal Council rather than the competent authority, which is the District Magistrate-cum-Deputy Commissioner, Ambala as disclosed in the Interim Orders and based on their assurance that they will obtain the necessary permission shortly, a period of ten days, until 26.05.2025, is granted to them to secure this permission and present it to the police. In case of failure to do so, the respondents in this case are directed to either get the gate removed or file a First Information Report (FIR) against those who have illegally obstructed the public street, in accordance with law.*

4. *It has also been brought to the notice of the Commission that the orders of the Commission are being misused by the complainant on social media and they have attached some social media posts where enclosing the interim orders of the Commission, the complainant has posted 'Gate wala Case Jeet Gaye Bhai Re! Next time, be Aware before facing me that Who is Deepak Sandhu!' and 'What a beautiful song "Akal Inna Nu Thodi Late Milugi". They have also*

enclosed some other social media posts which shows his tendency to make unpalatable remarks on the basis of orders in the court cases initiated by him. The Commission deprecates the conduct of the complainant in making these remarks on the basis of interim orders of this Commission and advise him not to do so in future.”

2.7 It is the afore-said order dated 15.05.2025 (Annexure P-17), which has been impugned in the present writ petition.

3. Heard.

4. The sum and substance of the matter is that the present petitioners have installed an iron sliding gate on a street within the locality namely, Dayal Bagh, Ambala Cantt.

4.1 Being aggrieved against the afore-said act of the petitioners, respondent No.8 filed a complaint before the police authorities; however, since no action was taken thereon, respondent No.8 filed a complaint before the Haryana Right to Service Commission, Haryana; who vide its order dated 08.05.2025 (Annexure P-14) formed an opinion that the petitioners had installed the iron sliding gate on a public street and that too, without taking prior permission from the competent authority. In fact, a reference was made to one such permission dated 09.12.2021 issued by the District Magistrate, Panchkula. Accordingly, a report was sought from the concerned Deputy Superintendent of Police, who had assured the Commission that necessary steps would be taken promptly for removing the gate.

4.2 Upon learning the afore-said order dated 08.05.2025 (Annexure P-14), petitioners approached the Commission with the prayer for recalling of the order dated 08.05.2025; whereupon, the impugned order dated 15.05.2025 (Annexure P-17) was passed.

4.3 A perusal of the afore-said order dated 15.05.2025 (Annexure P-17) would show that in order to justify the installation of the iron sliding gate, the petitioners had primarily relied upon their stand that they had informed the local Municipal Councillor, Shri Som Nath (Ward No.8) on 19.03.2025 regarding installation of the gate. Apparently, the petitioners did not produce any permission from the competent authority for installation of the sliding gate. Rather, the petitioners stated before the Commission that they have already applied for the permission and the same would be obtained by them within a period of ten days.

4.4 Considering the afore-said assurance extended by the petitioners, the learned Commission granted time to the petitioners upto 26.05.2025 to secure the permission for installation of sliding gate and in case of failure to do so, the learned Commission directed the petitioners to get the gates removed. It is only in the eventuality that if the permission is not obtained and the gates are not removed then a case FIR is to be registered against those who have illegally obstructed the public street.

5. Upon considering the matter in totality, it is observed that the petitioners and respondent No.8 are the residents of the same locality and in case of any grievance against each other, the parties are free to avail their legal remedies; however, no resident or group of residents of the locality have any right to obstruct or close the public street by installing a gate; more so in the absence of any permission from the concerned/competent authority, to do so. Such conduct is against the larger public interest and also contrary to the rights of the citizens, which cannot be jeopardized. In the peculiar facts and circumstances of this case, the orders passed by the learned Commissioner are justified and do not warrant any interference by

this Court.

6. In view of the above, I find no merit in the instant writ petition and the same is, hereby, dismissed.

7. All pending applications (if any) shall also stand closed.

May 23, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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