

2025:PHHC:125767



128 **IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-27247-2025

Date of Decision: 12.09.2025

Sarabjit Kaur and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Gursimran Singh Bhatia, Advocate
 for the petitioners (through video conferencing).

Mr. Nirmaljit Singh Diwana, Senior DAG, Punjab.

HARSH BUNGER J. (ORAL)

Petition herein is, *inter alia*, for issuance of a writ in the nature of Mandamus, directing official respondents No.2 to 4 to ensure completion of demarcation of the land and to register an FIR against private respondents No.6 to 8 for encroachment on the government passage.

2. Briefly, the petitioners are stated to be the co-owners of the agricultural land comprised in Khasra No.24/2, 3/12, 23/2(0-16), 19/R. 4/3(0-11), 19R. 4/2(14-0), 19R(6-19), 13/R. 24/(4-8), 13/R. 24(3-12), 13/R./23(1-0), 13/R./23(16-0), 13//R30, and a well situated in Khasra No.13R/30/0-16.

2.1 It is stated that the aforesaid area is accessible through a government passage measuring 11 feet. However, it is alleged that respondents No.6 to 8, who are the owners of the adjoining land, have been

attempting to encroach upon this government passage by merging it into their property. The petitioners further state that when respondents No.6 to 8 were restrained from such encroachment, they resorted to abusive language, issued death threats, and engaged in physical intimidation against the petitioners and their family members.

2.2 The petitioners are stated to have submitted a complaint, regarding the aforesaid incidents, to the Senior Superintendent of Police, Batala, and another complaint to the learned Deputy Commissioner, Gurdaspur. It appears that the complaint submitted to the Deputy Commissioner was subsequently forwarded to the Sub Divisional Magistrate, Dera Baba Nanak, who further sought police help to carry out the demarcation proceedings.

2.3 The Deputy Commissioner, Gurdaspur, has approved the provisioning of police help to the Sub Divisional Magistrate, Dera Baba Nanak, as is evident from letter dated 09.07.2025 (Annexure P-2).

2.4 It appears that the petitioners have submitted another representation to the Executive Officer, Municipal Council, Dera Baba Nanak, regarding the encroachment upon the government passage by respondents No.6 to 8, however, it is stated that no action has been taken on the said representation.

3. In the aforementioned circumstances, petitioners have filed the present writ petition before this Court, seeking relief(s) as noticed hereinabove.

4. Heard.

5. In the present case, the Deputy Commissioner, Gurdaspur, has approved the provisioning of police help to the Sub Divisional Magistrate, Dera Baba Nanak, vide letter dated 09.07.2025 (Annexure P-2), the relevant

extract of which reads as under:-

“In reference to Letter No. 14/Reader Dated 23.06.2025 of your office on afore-mentioned subject.

2. In compliance with order issued by District Magistrate Sahib on dt. 03.07.2025 on letter under reference, police assistance is hereby provided to you for conducting demarcation of land situated at Village Khasanwala, Tehsil Dera Baba Nanak in a peaceful manner on the condition that any stay order etc. is not passed on land in question by any Civil Court/Hon’ble High Court or by any higher authority. Concerned official shall be responsible for any kind of violation of law.”

6. A perusal of the aforesaid letter clearly indicates that as regards the petitioners’ plea for demarcation, addressed to the District Authorities, the proceedings have already been initiated and police help has been directed to be provided. Therefore, the purpose of filing the present writ petition appears to be an attempt by the petitioners to influence or provoke the public officials to act in a manner as per the petitioners’ liking, which is neither appreciable nor permissible, and such attempts are liable to be deprecated. The petitioners have already approached the appropriate authorities to seek redressal of their grievances, and this Court has no doubt that the authorities will duly consider and act upon the genuine complaints, if any substance is found therein.

7. In view of the aforesaid facts and circumstances, the present writ petition, being devoid of merit, is dismissed.

8. All pending application(s), if any, shall also stand closed.

12.09.2025

Apurva

(HARSH BUNGER)
JUDGE

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| 1. Whether speaking/reasoned : | Yes/No |
| 2. Whether reportable : | Yes/No |