



CWP-27422-2025 (O&M)

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

**CM-15592-CWP-2025
CM-15593-CWP-2025 in/and
CWP-27422-2025 (O&M)
Date of decision: 31.10.2025**

DALJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY**

Present: Mr. Sahil Gupta, Advocate
for the petitioner.

Mr. Salil Sabhlok, Sr. DAG, Punjab.

Mr. Amrinder Singh, Advocate
for respondent No.2-Human Rights Commission.

Mr. Munish Gupta, Advocate
for applicant-respondent No.6.

SHEEL NAGU, C.J. (Oral)

1. Application No.CM-15592-CWP-2025 has been filed for preponement of the main case i.e. CWP-27422-2025.

1.1 For the reasons mentioned in the application, the same is allowed and main case i.e.CWP-27422-2025 is preponed and taken on board today itself.

2. Present petition has been filed assailing the interlocutory order dated 29.08.2025 passed in an inquiry by the Punjab State Human Rights Commission (for short 'Commission'), vide Annexure P-1 whereby the following directions have been issued:

"Report dated 27.08.2025 has been received from the SSP SAS

Nagar (Mohali), stating therein that FIR No.178 dated 19.08.2025



under Sections 329(3), 62 BNS has already been registered at Police Station Balongi. As per the report of GMADA the unauthorized encroachment is beyond the approved layout plan of the Mega Project by carrying out unauthorized construction/encroachment, the SSP SAS Nagar (Mohali) is directed to provide necessary police help for removal of the same as the encroachment is in violation of human rights for the facility for which it was kept vacant by the developer.”

3. From the aforesaid, it is obvious that there was complaint dated 22.07.2025 filed by respondents No.6 and 7 alleging certain human rights violation.

3.1 The allegations in the complaint essentially related to certain encroachment made by the petitioner on the adjoining area of his plot in SAS Nagar (Mohali), Punjab.

4. After having gone through the entire record, it appears that the Commission is virtually acting like a Court and is issuing directions, whereas the Protection of Human Rights Act, 1993 (for short ‘1993 Act’) bestows power upon State Human Rights Commission, which is essentially and solely recommendatory in nature.

4.1 The procedure is provided under Chapter IV of the 1993 Act for conducting inquiry into a complaint of human right violation and thereafter submitting recommendations to the concerned Government or authority on the strength of which the State Government takes a final call whether to act upon the recommendation or not.

4.2 What is further surprising is that before taking cognizance of the complaint, the admissibility of complaint on the anvil of Section 36(2) of the



1993 Act has not been assessed since there is no finding in the file produced by counsel for Commission in that regard.

5. The respondents, however, raise the plea that the petitioner had been afforded an opportunity of hearing on 09.09.2025, followed by recording of his statement on 10.09.2025 to the following extent, leading to passing of the order by Commission on 10.09.2025 adjourning the complaint for filing of replies by both the sides:

“Stated that I will remove the attached hedge situated on the backside of my house no.247/A within a week, with the consent of TDI but will not remove the fruit bearing trees.”

6. The fact of the petitioner having been called on 09.09.2025 before the Commission has not been disclosed in the petition, presumably and understandably on the ground that the petition itself was filed on 09.09.2025, but in all fairness the petitioner ought to have brought this subsequent event which took place on the date of filing of petition by way of an additional affidavit. However, the same was not done by the petitioner.

7. This Court while taking cognizance of the matter on 15.09.2025 had *prima facie* found that no reasonable opportunity was afforded to the petitioner in terms of Section 16 of the 1993 Act, and therefore, the respondents were restrained from taking any coercive steps against the petitioner.

8. In view of the above, where the petitioner is not completely fair with the Court, this petition stands disposed of with direction to the Human Rights Commission to conduct inquiry in terms of object behind the 1993 Act, and only thereafter make its recommendations before the State Government. The Commission ought to remind itself that the Commission is a recommendatory body having no powers of a Court to issue any order, directions, and much less a

