



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1 CM-2352-CWP-2025 IN/AND
CWP-32510-2024
Date of Decision : February 21, 2025

RAJESH KUMAR AND OTHERSPetitioners

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

2 CM-2759-CWP-2025 IN/AND
CWP-4177-2025

DIVYAPetitioner

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Puneet Sharma, Advocate for the petitioner(s).
Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

**CM-2352-CWP-2025 IN/AND CWP-32510-2024 and
CM-2759-CWP-2025 IN/AND CWP-4177-2025**

1. The instant applications have been filed seeking preponement of the instant petitions.
2. For the valid and good reasons assigned in the applications, the same are allowed and the main cases are ordered to be taken up on Board today itself.

Main cases

3. Both the above mentioned petitions are amenable to be decided together as the dispute arise out of dispossession of the petitioner(s) from the house.

4. During the course of arguments, what surfaced that there is consensus with regard to the following issues:-

i) *That the investigation of FIR No.01 dated 31.01.2025 registered under Sections 318(4), 336(2), 336(3), 338, 340(2), 61(2) of BNS 2023 at Police Station Vigilance Bureau, Ludhiana, which was registered after the filing of the instant petition, may be transferred to the main Police Station Sirhind, District Fatehgarh Sahib and thereupon a direction be passed upon the SSP concerned to constitute an SIT;*

ii) *The possession of the house in question from which the petitioner is alleged to have been dispossessed, shall be remained with the Administrator to be appointed by this Court till the civil rights of the parties in the property i.e. petitioner, the Khadi Village & Industrial Commission and the gram panchayat concerned, are decided by the competent Court of jurisdiction;*

iii) *On decision being made upon the Civil Rights of the parties concerned, the Administrator thereupon hand over the possession accordingly and;*

iv) *A liberty may be extended to the petitioner(s) to take all other legal recourse with regard to the registration of FIR against him or any other grievance if still subsists.*

5. Since there is a consensus between the parties, this Court deems it fit and appropriate to pass a mandamus upon the Director General, Vigilance to immediately hand over the investigation of the FIR (supra) to the Director General of Police, Punjab, and thereupon the latter shall transfer the same to SSP concerned for the investigation. Further a mandamus is passed

upon the respondents concerned to constitute an SIT headed by an Officer not below the rank of Superintendent of Police.

6. The Tehsildar concerned is appointed as an Administrator of the property in dispute. The possession of the property will forthwith be handed over/taken over by the Tehsildar concerned, till the Civil Rights of the parties with regard to the property in dispute are not adjudicated by the competent Court of Jurisdiction.

7. It is made clear that before the Administrator concerned take the charge of the property, he shall allow the petitioner(s) to take away all their belongings and the Administrator concerned in his supervision shall also prepare an inventory, of all the articles which are lying in the premises, as well as the articles taken away by the petitioner(s).

8. In view of the above, the instant petitions are **disposed** of with aforesaid mandamus. However, it goes without saying that the petitioner(s) is at liberty to approach the competent authority/forum/Court concerned for redressal of his/their grievance, if any, either with regard to the institution of the FIR, or any other dispute.

9. The above directions be complied within 30 days from today.

10. **Disposed** of accordingly.

11. A photocopy of this order be placed on the file of connected case.

February 21, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No