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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60827-2024 (O&M)
Date of decision: 14.01.2025

Sachin Jain

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking issuance of direction to respondents No.3 to 8 not to prevent the petitioner from entering his shop and also to take appropriate legal action against them.
2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner filed a civil suit against Om Prabha-mother of respondents No.4 to 7 and aunt of respondent No.8 for permanent injunction, which was decreed vide judgment and decree dated 17.08.2017 (Annexure P-1) and the defendant was restrained from obstructing or interfering from main entrance of the shop at ground floor, situated at Mandi Bagh Bute Shah, Ludhiana, which is owned

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and possessed by him. Thereafter, respondents No.4 to 7 being legal heirs of Om Prabha filed an appeal against the aforesaid judgment and decree (Annexure P-1) before learned Additional District Judge, Ludhiana and the same was dismissed vide judgment dated 04.09.2023 (Annexure P-2). Since respondents No.4 to 7 or any other person have not filed any appeal before this Court, the judgment (Annexure P-2) has attained finality. It is further contended that respondents No.4 to 8 are trying to construct a cemented wall in front of shop of the petitioner on its western side in order to prevent him from entering his shop and respondent No.3 is actively helping them in doing so and he is also threatening the petitioner to implicate him in a false case. Due to above, from 01.03.2024, the petitioner is unable to open his shop. Having left with no other option, the petitioner submitted a representation dated 29.09.2024 (Annexure P-3) before respondent No.2-Commissioner of Police, Ludhiana, however, no action has been taken till date.

3. Learned counsel for the petitioner further submits that the petitioner would be satisfied, in case a direction is issued to respondent No.2 to consider and decide the representation dated 29.09.2024 (Annexure P-3) submitted by him in a time bound manner.

4. Notice of motion to the official respondents only.

5. On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, accepts notice on behalf of respondents No.1 to 3-State. Learned counsel for the petitioner is directed to supply copy of complete paperbook to learned State

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counsel during course of the day.

6. Keeping in view the prayer made by the petitioner and without commenting anything on the merits of the case, present petition is disposed of with a direction to respondent No.2 to consider and decide the representation dated 29.09.2024 (Annexure P-3) submitted by the petitioner within a period of four weeks from the date of receipt of certified copy of this order, in accordance with law.

[HARPREET SINGH BRAR]
JUDGE

14.01.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No