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

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Date of Decision: 05.05.2026

Jarnail Singh alias Tinu

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Akhil Dadwal, Advocate for the petitioner

Mr. Ishan Kaushal, Assistant Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking declaration that demolition carried out by respondent Nos.4 to 12 on 30.12.2025 was illegal. He is further seeking direction to:

- i. respondent No.3 to register FIR under Sections 329, 324 and 351 of BNS read with Section 61 BNS against respondent Nos.4 to 12;
- ii. respondent Nos.1 to 3 to initiate disciplinary proceedings and suspend respondents No.5, 10 and 11;
- iii. respondent Nos. 4 to 12 to pay him exemplary compensation of ₹8,67,200/- with additional compensation of ₹10,00,000/- for his mental agony.

2. As per petition, the petitioner is running a shop measuring 13 feet 9 inches x 6 feet 6 inches (North-South) situated on Khasra No.221, Khewat No.67, Khatauni No.74, Village Rakri (Datarpur), Tehsil Mukerian,



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District Hoshiarpur. The subjected land is provincial Government land and there is no landlord-tenant relationship between the petitioner and respondent No.4. He is in lawful possession for over a decade. Respondent No.4 filed Civil Suit for possession alleging his dispossession from the shop. Suit was decreed *ex parte* on 25.04.2023 by Court of learned Additional Civil Judge, (Senior Division), Mukerian. He preferred appeal before learned Additional District Judge, Hoshiarpur along with an application seeking stay of order dated 25.04.2023 which is pending adjudication. He preferred *CR No.4615 of 2023* before this Court which vide order dated 19.05.2025 while dismissing the petition observed that respondent No.4 is deliberately avoiding service and his non-appearance constitutes sufficient grounds to grant stay on execution of decree. He was granted liberty to move an appropriate application before Appellate Court. Respondent No.4 initiated execution proceedings which were adjourned *sine die* vide order dated 16.12.2023 owing to stay granted in *CR No.4615 of 2023*. The Executing Court issued warrant of possession returnable for 09.01.2026. On the very same day, the Appellate Court adjourned the appeal to 20.01.2026. In the interregnum, shop of the petitioner was demolished on 30.12.2025. He filed complaint dated 10.01.2026 but to no avail.

3. Learned counsel for the petitioner submits that respondent during the pendency of appeal demolished suit property. The respondent did not follow procedure and demolition took place at the back of petitioner. No opportunity of hearing was granted.

4. On being asked, learned counsel for the petitioner confirms that appeal stands dismissed. He further submits that available remedy against appellate order would be availed in due course.

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5. Heard the arguments and perused the record.
6. From the perusal of record, it is evident that there is dispute between two private parties. The matter had remained pending before different Courts including this Court. The petitioner lost his case before Civil Court, Appellate Court as well as this Court. This Court while dismissing revision petition granted him liberty to seek stay of operation of decree. The Appellate Court did not stay decree passed against him. The Appellate Court while adjudicating appeal could consider petitioner's grievance. If the petitioner files appeal/revision against order passed by Appellate Court, the higher Court may consider question of loss, if any, suffered by him. In view of decisions of Civil Courts and action of respondents during the pendency of matter before Courts, this Court does not find it appropriate to invoke its extra-ordinary writ jurisdiction.
7. In the backdrop, this Court is of the considered opinion that petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

05.05.2026*Mohit Kumar*

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