



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

CWP No.35989-2025(O&M)

Date of Decision: 04.05.2026

Dhanpati

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. R.K.Jaswal, Advocate
for the petitioner**

Mr. Deepak Vashisht, D.A.G, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of order dated 26.06.2025 (Annexure P-5) whereby Duty Magistrate was appointed for demolition of her premises. She is further seeking compensation for demolition of her premises because she has suffered loss on account of illegal action of the respondents.

2. Learned counsel for the petitioner submits that authorities acting beyond their jurisdiction have demolished petitioner's premises. The matter is still pending before Civil Court.

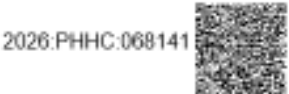
3. Learned State counsel submits that there is no stay in favour of the petitioner.



4. As per reply filed by respondent No.5-Naib Tehsildar and reply filed by respondents No.2 and 4, it is evident that petitioner's son namely Jaibir Singh vide decree dated 23.12.1993 passed by Civil Court became owner of the suit property. The mutation in favour of Jaibir Singh was recorded on 09.01.1994. Jaibir Singh sold his 251/548 share to respondent No.7-Anil Kumar Jain vide sale deed dated 20.02.2025. The mutation in favour of Anil Kumar Jain was recorded on 27.02.2025. Jaibir Singh further sold 21 kanal 51 marla land vide sale deed dated 27.02.2025 to Anil Kumar. As per sale deed, possession of the land was handed over to Anil Kumar Jain. Partition as per revenue record has already taken place and respondent No.7-Anil Kumar Jain is owner of the suit property. The demolition work was carried out by respondent No.7 and he had brought JCB on the spot. The official respondents only performed their duty to maintain law and order.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that as per petitioner her premises was demolished without authority and as per official respondents, premises was demolished by respondent No. 7-Anil Kumar Jain and they have arranged police force just to maintain law and order. The matter is pending before Civil Court. The authorities cannot take a stand that premises was demolished by respondent No. 7 and they have only maintained law and order. Their plea is not sustainable. Once premises was demolished in their presence and there was consent of all the officers, they cannot be heard to say that respondent No. 7 has demolished the premises, nevertheless, this Court does not find it appropriate to invoke its writ jurisdiction at this stage



because premises stands demolished and there is dispute with respect to title. As per respondent No. 7, he has already purchased the suit property. Civil Court is seized of the matter which would finally determine rights and liabilities of the parties. Any order of this Court, at this stage, would amount to interference in the proceedings pending before Civil Court.

- 7. In the backdrop, the petition stands disposed of.
- 8. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

04.05.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No