

Gram Panchayat Talwandi Purdal and Another Vs State of Punjab and Others

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Sept. 15, 2010

Acts Referred: Constitution of India, 1950 " Article 226, 227
Criminal Procedure Code, 1973 (CrPC) " Section 154, 154(3)

Hon'ble Judges: M.M.S. Bedi, J

Bench: Single Bench

Judgement

M.M.S. Bedi, J.

Petitioner No. 1 is Gram Panchayat and petitioner No. 2 is son of Sarpanch of Surinder Kaur, representing Gram

Panchayat. They have filed this petition for a direction to respondents 1 to 4 to protect their own life and liberty and also the property of the Gram

Panchayat from the nefarious activities of the private respondents. The petitioners had on earlier occasion approached this Court for similar

directions. The High Court in the exercise of powers under Articles 226/227 of the Constitution of India had issued a direction to the concerned

officers to execute the ejectment order against private respondents within four months vide order dated 16.7.2010. The period of four months has

not yet expired when a second petition has been filed for protection. The petitioner Gram Panchayat has got a number of statutory remedies

available to enforce the rights of the Gram Panchayat qua the property belonging to it. The petitioners do not seem to have submitted any

representation to SSP, Kapurthala for taking any action against the private respondents for any cognizable offence having been committed by

them. It is deemed appropriate that the petitioners should be given a fair opportunity to first approach the concerned SHO and in case no action is

taken by the said officer, then to submit a written complaint to concerned SSP as per the provisions of Section 154(3) Cr.P.C. The petition

appears to be pre-mature and is disposed of as such with a direction that in case the petitioners advert to the provisions of Section 154 Cr.P.C.

and no action is taken on their complaint disclosing commission of cognizable offence, it will be open to the petitioners to approach this Court

again.