



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL/ 1642/2026</u> Vakil Ahmed Ansari --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Amit Kapri and Mr. Chandramauli Shah, learned counsel for the petitioner. 2. Mr. Chitrarth Kandpal, learned Brief Holder for the State. 3. By means of the present writ petition, petitioner has sought issuance of a writ, order or direction in the nature of mandamus directing the respondent nos.1 to 2 to provide the adequate security of the life and personal liberty of the petitioner from the private respondent nos.3 to 16 and his family members and also directing the respondent no.3 not to extend the life threat to the petitioners and further not to interfere in the day-to-day affairs of the petitioners. 4. Learned counsel for the petitioner would submit that the petitioner is the lawful owner and in possession of the property in question, having acquired the same through duly registered sale deed(s) executed in accordance with law; that, when the petitioner commenced construction over the said property, the private respondents, accompanied by about



		20-25 persons, allegedly reached the spot and forcibly obstructed the petitioner and his labourers from carrying out the construction work; that, the respondents also extended threats of physical harm and intimidated the labourers, allegedly on account of religious animosity, thereby creating an atmosphere of fear and preventing the petitioner from carrying out lawful construction over his own property. 5. He would further submit that such interference and harassment were not an isolated incident but continued on repeated occasions; that, the petitioner, therefore, approached the concerned police authorities by submitting a complaint seeking protection and appropriate action against the persons allegedly threatening and obstructing him, however, no effective action was taken by the police, on the ground that the dispute was essentially civil in nature; that, thereafter, the petitioner approached the Uttarakhand Minorities Commission seeking protection and redressal of his grievance, but, no effective remedial action was taken. Left with no efficacious remedy, the petitioner has approached this Court by way of the present writ petition. 6. Learned counsel for the petitioner also submits that the private respondents have neither any right, title nor lawful interest in the property belonging to the petitioner and, therefore, have no authority in law to interfere with his peaceful possession, use and enjoyment thereof; that, the repeated obstruction, intimidation and alleged
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		threats extended by the respondents have not only caused apprehension to the life and personal safety of the petitioner but have also resulted in financial loss and prevented him from exercising his lawful rights in respect of the property, therefore, the petitioner is entitled to protection of his life and liberty as well as protection against unlawful interference with his peaceful possession and enjoyment of the property. 7. Per contra, learned State counsel would oppose the submissions advanced on behalf of the petitioner and submit that the dispute essentially arises out of a private property matter, which has been projected as a threat to the petitioner's life and personal liberty. He would contend that no cogent or contemporaneous material has been placed on record to establish any specific, imminent or genuine threat warranting police protection under Article 226 of the Constitution. 8. He would further submit that the police are duty-bound to act in accordance with law upon receipt of information disclosing any cognizable offence, but a blanket direction for police protection cannot be issued merely on the basis of an apprehension arising from a private property dispute. 9. Learned State counsel would further contend that the relief sought, in substance, is intended to protect the petitioner's possession over the disputed property and to restrain interference therewith; that, such private rights are liable to be adjudicated by the competent
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		civil court, where efficacious remedies are available, and cannot ordinarily be determined in writ proceedings under Article 226 of the Constitution, therefore, the writ petition is devoid of merit and is liable to be dismissed. 10. Having considered the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, this Court is of the view that the grievances raised by the petitioner essentially arise out of a disputed private property matter. The petitioner has not been able to place sufficient material before this Court establishing the existence of any specific, imminent or credible threat to his life or personal liberty warranting issuance of a positive mandamus for grant of police protection. It is, however, needless to observe that if the petitioner approaches the competent police authority with a complaint disclosing commission of any cognizable offence or any genuine threat to his life or personal safety, the same shall be considered and dealt with strictly in accordance with law. 11. Subject to the aforesaid observation, no case for interference in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India is made out. Accordingly, the writ petition is dismissed. 12. No order as to costs.
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(Alok Mahra, J.)

17-08-2026

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