

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 17662 of 2015
Date of Decision: August 25, 2015

Amritpal

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. Vaneet Kumar Sharma, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent nos. 1 and 2 to recover the silver idol of Shri Shirdi Sai Baba belonging to the society, of which petitioner is stated to be the President, which is being forcibly detained by respondent no.3. Further prayer is made for directing the official respondents to protect the right of the petitioner to religion, worship and performing religious practices in accordance with law.

I have heard learned counsel for the petitioner and perused the paper book.

Shri Shirdi Sai Baba which is alleged to be made of 7 kgs. of silver is the property of the petitioner. There are number of other disputed facts involved in the present writ petition which cannot be determined in the writ jurisdiction.

So far as practice of religious faith is concerned, it is right of the petitioner to practice any religion whichever he wants. If anyone is obstructing the petitioner from performing the ceremonies and other aspects of religion of the petitioner, then the petitioner may approach the competent authority which can look into the matter.

Learned counsel for the petitioner submits that petitioner has already moved a representation dated 04.08.2015 (Annexure P/2) to respondent no.2 - District Commissioner-cum-District Magistrate, Ludhiana, but no action has been taken thereon. Learned counsel further submits that direction may be issued to respondent no. 2 to decide his representation.

Having heard learned counsel for the petitioner and after perusing the paper-book, however, without commenting on merits of the case, instant petition is disposed of, without issuing notice to the respondents, with a direction to respondent no.2 – Deputy Commissioner-cum-District Magistrate, Ludhiana, to look into the

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04.08.2015 (Annexure P/2) and take appropriate action in accordance with law, preferably within a period of three months from the date of receipt of certified copy of this order and copy of the order so passed shall be communicated to the petitioner.

August 25, 2015
vkd

[Paramjeet Singh]
Judge