

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.12815 of 2018
Date of Decision:26.07.2018

Om Prakash

..... Petitioner

Vs.

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Guninder Singh Brar, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

A typical kind of litigation is in spate in this Court for seeking a direction to decide a representation or legal notice. Large number of cases are being filed everyday for this purpose without referring, either in the petition or even in the representation, to any provision of law on the basis of which the representation can be held to be maintainable. It is well settled that for the purpose of seeking a writ in the nature of mandamus, the petitioner has to show that he has a legal right and the respondent has a correspondent legal duty whereas the representations are being made unmindful of the fact that as to whether the authority to whom the representation is made is actually obliged under any provision of law to decide the same or not. This is also one of such type of cases in which the petitioner is seeking a direction just to decide his representation. He has given facts in the petition referred to the various documents attached as annexures but in the end no provision of law has been mentioned on the basis of which he could claim a right and nothing has been mentioned as to

or competent to decide the same. It is high time that these type of petitions, inundating this Court incessantly, should be curtailed because these type of cases or representations not only breed unnecessary litigation, even arising out of stale claims, but also forces an authority, having no jurisdiction under any provision of law, to decide the same under the order of the Court.

This writ petition is thus, hereby dismissed only because of the reason that the petitioner has failed to refer to any provision of law, much less of any Act, rules, regulations, circular, policy, instructions etc. etc. in his petition making him eligible to make the representation nor did he mention any provision of law as to how the authority to whom the representation has been made is obliged or competent to decide the same even if an order is passed by this Court.

26.07.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*