

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.5727 of 2018

Date of decision : 09.03.2018

Harish Passi and others

.....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. P. S. Hundal, Senior Advocate with
Mr. Dinesh Trehan, Advocate for the petitioners.

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DAYA CHAUDHARY, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for direction to respondents No.1 to 4 not to transgress their powers vested in them by law to harass the petitioners by detaining them without any case against them and to ensure safety of their lives and liberty.

Learned Senior Advocate for the petitioners submits that there is an apprehension that more cases may be registered against the family members of the petitioners and the petitioners are being harassed by the police without any cause of action. A threat is being given to register false cases.

Heard arguments of learned counsel for the petitioners and have also perused the documents on record.

Admittedly, there is civil litigation between the parties as a civil suit filed by one of the petitioners is still pending and status quo has

been ordered. Criminal Misc. No. M-44825 of 2017 for direction to police to ensure protection of life and property has also been filed which is still pending. The petitioners being aggrieved by the action of the police officials, have filed the present petition to ensure safety of their lives and liberty. In said case also, the prayer for protection of life and liberty has been made from the police officials. It is also the grievance of the petitioners that they are not being allowed to enter the premises by the police authorities at the instance of some persons.

A writ of mandamus has been sought in the present petition but no representation has been filed so far before the higher authorities. In case the petitioners are aggrieved by any action of the police officer/officials, they could have made representation to the higher authorities. It cannot be said that all the police officers/officials are against the petitioners as there is no allegation against any particular police officer. No representation has also been placed on record. Moreover, the civil suit as well as said Criminal Miscellaneous are still pending.

Dismissed.

However, the petitioners are at liberty to move representation to the competent authority, if so desire and in case such representation is filed, the respondents are directed to take action in accordance with law.

09.03.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No