

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

LPA No. 342 of 2019 (O&M)

Date of Decision: 13.02.2019

Sheila Sarkar

.....Appellant

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Pinaki Addy, Advocate, for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 07.01.2019 dismissing the writ petition filed by the appellant-petitioner. It may be relevant to notice the main prayers made in the writ petition:-

- i) For issuance of a writ in the nature of mandamus directing respondent authorities to protect the life and liberty of the petitioner and directing the private respondents not to threaten, intimidate abuse or harass the petitioner, keeping in view the facts and circumstances of the present case.
- ii) With further prayer for directing respondent authorities to ensure the safety of the petitioner.
- iii) With further prayer for directing respondent authorities to ensure that the dogs residing in society of petitioner will not be harmed or evicted.
- iv) With further prayer for directing respondent authorities to decide representation(s) (Annexure P-14/ Annexure P-15/Annexure P-16) within two weeks.

2. Learned Single Judge after hearing learned counsel for the appellant-petitioner and going through the record of the writ petition insofar as the first relief is concerned has held as under:-

“The instant petition is completely bereft of any details where from this Court may infer any threat to the life and liberty of the petitioner. Under such circumstances the prayer made by the petitioner seeking protection of life and liberty cannot be entertained”.

3. Learned counsel for the appellant vehemently submits that there were certain documents which clearly establish that there was serious threat to the life and liberty of the petitioner which the learned Single Judge has miserably failed to ignore. One such document referred to by learned counsel for the appellant is Annexure P-17 which is alleged to be a Whatsapp message circulated in some group. After having gone through the same, it is absolutely beyond our comprehension to infer that this could even remotely tantamount to any threat to the life and liberty of the appellant-petitioner. Apart from the above, other similar material is referred to a notice (Annexure P-5) with respect to ‘Gandhigiri March’ to bring about awareness against stray dog menace, which was to be done in peaceful manner. How it could be dangerous or pose a threat to the life and liberty of the appellant-petitioner, is again beyond our comprehension.

4. In view of the above, we do not find any fault with the findings returned by the learned Single Judge that the writ petition is completely bereft of any details from which any such inference could be drawn. The material relied upon by learned counsel for the appellant-petitioner to urge before us that there exists a threat to the life and liberty which needs be

protected, in our opinion from any angle, is not a ground to come to the conclusion that there is any threat to the life and liberty of the petitioner.

5. In so far as the other relief in respect of eviction of dogs is concerned, learned counsel appearing for the petitioner before the learned Single Judge himself conceded and sought liberty to pursue the matter with the Animal Welfare Board of India.

6. In view of the above, we fail to understand as to what impelled the appellant to file the instant intra court appeal. It is not only devoid of merits but an attempt made by the appellant for no reason just to waste the precious time and energy of the Court in order to discourage such litigants. It is imperative that the appeal be thrown out with exemplary costs so that it acts as a deterrent to other such litigants. However, on persuasion of learned counsel for the petitioner we have refrained ourselves from imposing any cost.

7. We accordingly dismiss this appeal in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.02.2019

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No