

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

CRWP-1949-2020

Date of decision: 24.02.2020

Harinder Singh

...Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Tahaf Bains, Advocate for the petitioner.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition under Articles 226/227 of the Constitution for issuance of a writ, order or direction especially in the nature of mandamus directing respondent No. 2 to provide protection to the life and liberty of the petitioner and his family members which is alleged to be under eminent threats at the hands of respondents No. 4 to 6.

Learned counsel for the petitioner states that in the Panchayat election in the year 2018, the petitioner was elected as Sarpanch of the village and the Gram Panchayat was duly constituted under the provisions of the Punjab Panchayati Raj Act, 1994 and Punjab Panchayati Raj Rules, 1994 for a period of 5 years. The opposite party is creating impediment in the functioning of the Gram Panchayat and false and baseless complaints are being given to various authorities. On the basis of said complaints, instead of considering the appeal/objections made by the petitioner against the illegal and arbitrary report dated 06.12.2019, the petitioner has been removed from the post of Sarpanch, vide impugned order dated 10.02.2020/13.02.2020, passed by the Director, Rural Development and Panchayat Officer. He further

states that there is danger to the life and liberty of the petitioner and his family members. The local police is also acting at the behest of the private respondents and trying to falsely implicate him in some case and is raiding his house in his absence, even though there is no criminal case pending against him. The petitioner has already moved a representation dated 18.02.2020 to respondent No. 2 for protection of his life and liberty as well as of his family members. Respondents No. 4 to 6 are behind the life of the petitioner and he is running from one place to other place. Rather, the petitioner has approached the appropriate authority regarding his restoration to the post of Sarpanch. Learned counsel for the petitioner has also relied upon judgment of Hon'ble Supreme Court in '**Balchand Chorasias Vs. Union of India and others**' AIR 1978 SC 297, wherein it has been held that where the personal liberty of the person is involved and the representation made by the aggrieved party should be considered liberally with a view to advance the concept of liberty engraved in Article 21 of the Constitution of India.

In view of the above, the petitioner is directed to move a fresh application to respondent No. 2- Senior Superintendent of Police, Ludhiana, on 02.03.2020 for redressal of his grievance. If such an application is filed by the petitioner on the stipulated date, the same shall be looked into by the Senior Superintendent of Police, Ludhiana, in accordance with law.

Disposed of with above directions.

(HARNARESH SINGH GILL)
JUDGE

24.02.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No