

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

244

CRWP-5449-2020

Date of decision: 09.11.2020

Vinod Uppal and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. M.K. Dogra, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab
for respondents No.1 to 3-State.

Mr. Munish Jolly, Advocate
for respondents No.4 and 5.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioners have filed the present petition under Article 226 of the Constitution of India for issuance of appropriate writ, order or directions for protection of life and liberty of the petitioners from danger at the hands of respondents No.4 and 5 and also to take appropriate action against them.

Briefly stated, the petition has been filed on the averments that petitioner No.3 and respondent No.4 are the sons of petitioners No.1 and 2 while petitioner No.4 and respondent No.5 are daughters-in-law of petitioners No.1 and 2. They are residing in House No.255, Beauty Avenue, Phase-2, Amritsar. Respondents No.4 and 5 are residing at the upper floor of the same house. Petitioner No.1 disowned and detached all his relations with respondent No.4. Respondents No.4 and 5 harassed petitioners No.1 and 2, abused, threatened, manhandled

and gave beatings to them as mentioned in the petition. Petitioner No.1 made representation dated 05.07.2020 to respondent No.3 and all the petitioners made complaint to respondent No.2 on 27.07.2020 but no action has been taken on the same. Therefore, respondents No.2 and 3 may be directed to take immediate steps for protection of life and liberty of the petitioners and take appropriate action against respondents No.4 and 5.

This Court, while issuing notice of motion vide order dated 31.07.2020, had directed respondent No.2-Commissioner of Police, Amritsar to personally look into the matter and take appropriate action for protection of the life and liberty of the petitioners from any physical harm at the hands of respondents No.4 and 5, as may be warranted by the circumstances and submit a report to this Court.

In compliance with the above said order, status report by way of affidavit of Dr. Sukhchain Singh Gill, IPS, Commissioner of Police, Amritsar City has been filed. In the status report, it has been mentioned that petitioners No.1 and 2 Vinod Uppal and Neelam Uppal along with Saina Uppal are living in ground floor of the house, respondents No.4 and 5 Manish Uppal and Gagandeep Kaur along with Jasnoor Kaur, the daughter from first marriage of respondent No.5 Gagandeep Kaur, live in first floor of the house and petitioners No.3 and 4, Mithun Uppal and Shivani Uppal along with their two children live in top floor of the same house. There is only one kitchen in this house in the ground floor, which is used by all the above said family members. Petitioner No.1 Vinod Uppal, his sons petitioner No.3 and respondent No.4 Manish Uppal deal in joint business of tea leaves in

one room of the first floor of the same house. Petitioner No.1 Vinod Uppal intends to eject respondents No.4 and 5 from the above said house on the basis of disinheritance of his son-respondent No.4, but respondents No.4 and 5 do not want to leave the above said house. In view of the dispute between them, preventive proceedings under Sections 107 and 150 of the Cr.P.C. have been initiated. Surveillance through PCR has been kept at their residence by the SHO, Police Station Majithia Road, Amritsar. Petitioner No.1 Vinod Uppal has been advised that if he wants to get his house vacated from respondents No.4 and 5 then he may take recourse to the proceedings in the Court.

No reply to the petition has been filed by respondents No.4 and 5.

Vide order dated 10.09.2020, the matter was referred to Mediation and Conciliation Center of this Court for mediation which remained unsuccessful as per the report submitted by the concerned mediator.

I have heard learned counsel for the parties and have gone through the record.

Learned counsel for the petitioners has submitted that the petitioners have apprehension of danger to their life and liberty at the hands of respondents No.4 and 5 and complaints dated 05.07.2020 and 27.07.2020 were made by them to respondents No.2 and 3 but no action has been taken. The petition may be allowed and respondents No.2 and 3 may be directed to take immediate action for protection of their life and liberty in case of any such threat perception and also to take appropriate action against respondents No.4 and 5 on the basis of the

above said complaints.

On the other hand, learned counsel for respondents No.4 and 5 has submitted that the house in question is ancestral house in which respondent No.4 has right by birth. The petitioners have wrongly kept the kitchen of the house locked due to which respondents No.4 and 5 cannot use the same for cooking of their food. No physical harm will be caused to the petitioners by respondents No.4 and 5 and the apprehension expressed in the petition is not reasonable. Therefore, the petition may be dismissed.

Learned State counsel has submitted that respondents No.2 and 3 have already taken adequate steps and will also take requisite steps in future for protection of life and liberty of the petitioners as may be required by the circumstances and will take appropriate action on the representations made.

From the circumstances of the case it appears that petitioners No.1 and 2 who are senior citizens want to eject respondents No.4 and 5 from the house which is claimed by the petitioners to be owned by petitioner No.1 while respondent No.4 is claiming the same to be ancestral conferring on him right from birth to the same and is aggrieved by locking of the kitchen. The petitioners and respondents No.4 and 5 will be at liberty to avail appropriate remedies in accordance with law for redressal of their grievances but the petitioners and respondents No.4 and 5 cannot indulge in any act of physical violence or criminal intimidation. In case of any apprehension of such physical violence or criminal intimidation, the petitioners shall be at liberty to inform respondents No.2 and 3 by making appropriate oral or written

complaint.

In view of the facts and circumstances of the case, respondents No.2 and 3 are directed to take immediate action to protect the life and liberty of the petitioners in accordance with law, even by registration of criminal case against respondents No.4 and 5, if so required, on making of such oral or written complaint by the petitioners.

Respondents No.2 and 3 are also directed to dispose of the representations dated 05.07.2020 and 27.07.2020 by passing speaking order in accordance with law within one month from the date of receipt of copy of this order.

The petition is disposed of accordingly with the above said directions.

09.11.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No