

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

CRWP No.10805 of 2020 (O&M)
DATE OF DECISION: 23.12.2020

Charanjit Kaur and another

.....Petitioners

versus

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gopal Singh Nahel, Advocate for the petitioners

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ALKA SARIN, J. (Oral):

Heard through video conferencing.

This is a Criminal Writ Petition under Article 226 of the Constitution of India for issuing directions to respondent No.2 to protect the life and liberty of the petitioners at the hands of the private respondents.

The learned counsel for the petitioners would contend that the son of petitioner No.1 had died on 10.10.2019 due to heart failure and he had left a registered Will in favour of petitioner No.1 dated 28.03.2018. The respondent No.4, who is the daughter-in-law of petitioner No.1, however, got the mutation done in her favour. The said mutation was subsequently cancelled vide order dated 03.09.2020 passed by the Assistant Collector, Ist Grade-cum-Sub Divisional Magistrate, Ludhiana (West). It is further the contention that respondent No.4 has already filed a civil suit challenging the validity of the Will. The learned counsel would further contend that since the cancellation of the mutation in favour of respondent No.4, she and the other private respondent have been threatening the petitioners with dire consequences, petitioner No.1 being the beneficiary of the Will and petitioner No.2 being the witness of the Will. The learned counsel has further stated that a representation

dated 13.10.2020 (Annexure P-2) has been sent to the Commissioner of

Police, Ludhiana. However, no action has been taken on the same. The learned counsel further states that at this stage the petitioners would be satisfied if the representation dated 13.10.2020 (Annexure P-2) is decided in accordance with law.

Notice of motion.

On the asking of the Court, Mr. V.G. Jauhar, Senior DAG, Punjab has joined the session through video conferencing and accepts notice on behalf of respondent Nos.1, 2 and 3. Service on other respondents is dispensed with since the matter is not being decided on merits.

I have heard the learned counsel for the parties.

The apprehension in the present case, as expressed by the petitioners, is that they are receiving threats to their life and liberty at the hands of the private respondents. The petitioners are seeking protection of their rights as envisaged under Article 21 of the Constitution of India.

Keeping in mind the fact that an apprehension of danger to the life and liberty of the petitioners has been expressed and no action on the complaint/representation Annexure P-2 of the petitioners is stated to have been taken by the official respondents, the same needs to be addressed by this Court.

In view of the above, this Court deems it appropriate to dispose off the present petition with a direction to respondent No.2 to decide the representation dated 13.10.2020 (Annexure P-2) expeditiously in accordance with law.

**(ALKA SARIN)
JUDGE**

23.12.2020
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO