

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

**LPA-645-2021 (O&M)
Date of decision : 12.8.2021**

Rajwant Kaur @ Rajani and another

...Appellant(s)

Versus

The State of Punjab and others

... Respondent(s)

**CORAM: HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: Mr.Gaurav Sharma, Advocate for the appellants

(Proceedings through Video Conferencing)

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-1627 & 1670-LPA-2021

For the reasons enumerated in the applications, the same are allowed and representation dated 24.7.2021, alongwith additional affidavit of appellant No.1, Annexures A-1 and also A-2, courier receipts dated 24.7.2021 are taken on record subject to all just exceptions.

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This appeal has been preferred by asserting that the appellants had approached the Court for issuance of a writ in the nature of mandamus, directing respondent Nos. 2 and 3 to protect their life and liberty from the private respondents i.e. respondent Nos. 4 to 12. The learned Single Judge in given facts and circumstances has proceeded to pass the order dated 23.7.2021 by observing that the apprehension, which has been raised and has been made the basis for filing the writ petition, relates to an incident

dated 16.7.2021, but after that nothing has been shown to indicate that the threat persists and that the appellants have approached the authorities for granting them any protection highlighting their grievances with regard to the threat at the hands of the private respondents.

In those circumstances, the order as passed by learned Single Judge cannot be said to be not based upon proper appreciation of facts. In the present appeal, an additional affidavit has been filed by appellant No.1 Rajwant Kaur @ Rajani, wherein it has been stated that a detailed representation dated 24.7.2021 (Annexure A-1) was addressed to respondent Nos. 1 to 3, highlighting therein the details of the factual assertions as well as the reasons and the actual threat to the life and liberty of the said appellants at the hands of the private respondents. The said representation was sent through courier on 24.7.2021 and in support thereof, copy of receipts has been appended as Annexure A-2.

Counsel for the appellants, in the light of these factual assertions, submits that there was an error on his part having not incorporating these factual assertions in the writ petition, which has led to the passing of the order dated 23.7.2021. He, therefore, contends that in the light of these correct factual aspects, the case of the appellants may be considered.

We have considered the above recorded submissions of the learned counsel for the appellants and keeping in view the fact that the life and liberty of the appellants are involved and the protection of Article 21 of the Constitution of India is available to all the persons, who approach the Court with such grievances, especially in the light of the representation

dated 24.7.2021 (Annexure A-1), we are of the considered view that the present appeal deserves to be disposed of without going into the merits, as per the assertions made in the said representation by directing respondent No.2 – Senior Superintendent of Police, District Ferozepur to consider the said representation and if some substances is found therein, take steps in accordance with law and ensure that the life and liberty of the appellants is not jeopardized at the hands of the private respondents except in accordance with law.

Ordered accordingly.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

August 12, 2021

gsv

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No