

CRWP-9093-2021 (O&M)

115

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

**CRWP-9093-2021 (O&M).
Decided on: September 23, 2021.**

Kulvir Singh

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

PRESENT

**Mrs.Sarika Gupta, Advocate,
for the petitioners**

Mr.Randhir Singh Thind, DAG, Punjab.

**Mr.Vikram Satpal Anand, Advocate, for
Mr.Varinder Pal Singh, Advocate,
for respondent Nos.4 and 5.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of *mandamus* directing respondent Nos.2 and 3 to protect the life, liberty and property of the petitioner, his wife and mentally retarded son namely Manpreet Singh, which according to the learned counsel for the petitioner

CRWP-9093-2021 (O&M)

are in danger at the hands of respondent Nos.4 and 5. Respondent Nos.4 and 5, are stated to be the son and daughter-in-law of the petitioner.

Learned counsel for the petitioner has submitted that it is a case where the petitioner is the owner of a house and agricultural land in his village where he is residing along with his wife and mentally retarded son. One of his sons i.e. respondent No.4 was settled abroad along with his wife and they stayed abroad for 10 years but they have come back in the year 2019 and thereafter, now they have disputed with the petitioner and his wife out of greed and according to the learned counsel for the petitioner, they were thrown out from the house by respondent Nos.4 and 5 and now the petitioner along with his wife and mentally retarded son are living in a cattle-shed. She has stated that the life of the petitioner and his family is in danger at the hands of private respondent Nos.4 and 5 and therefore, appropriate directions be issued.

Yesterday, when the matter came up for hearing before this Court, the learned State Counsel had sought one day's time to seek instructions in this regard.

Today, learned State counsel has submitted that he has received instructions from Sh.Davinder Singh, DSP, SBS Nagar, Nawanshahar and that said DSP has also come to the court premises today and has discussed the entire issue with the learned State Counsel. He, on instructions, has stated that it is a case which has been falsely projected by the petitioner and rather the basic dispute is only with regard to clash of egos between the petitioner and private respondents who are his son and

CRWP-9093-2021 (O&M)

daughter-in-law. He has submitted that it is correct that the petitioner and his wife and mentally retarded son are living in a *bara* but said *bara* is also in the shape of a house which has all the facilities including air conditioner, refrigerator and LCD etc. and is fully constructed. The house where respondent Nos.4 and 5 are residing also belongs to the petitioner and is a well constructed house. It was the result of a family dispute between them that such a situation has arisen. He has further submitted that on the basis of enquiry conducted by the police and also based upon the statements of the respectables from the village, it was found that the petitioner does not want to go back to the house unless respondent Nos.4 and 5 are ousted from the house. He has submitted that respondent No.5 is six months pregnant and in such a situation, she cannot be thrown out of the house in this manner even if the owner of the house is the petitioner.

At this stage, Mr.Vikram Satpal Anand, Advocate, has caused appearance on behalf of respondent Nos.4 and 5. He, on instructions, has submitted that the petitioner has misled this Court and that respondent Nos.4 and 5 have never restricted the petitioner and his wife who are their parents from coming inside the house and stay there. It was only because of their own ego that they are staying in the out-house which also has all the good facilities. He, on instructions, has categorically submitted that respondent Nos.4 and 5 will not restrict the entry of the petitioner, his wife and mentally retarded son and they can always come and stay in their house according to their own sweet will. He has further submitted that there has never been any threat from respondent Nos.4 and 5 nor in future there will

CRWP-9093-2021 (O&M)

be any threat from respondent Nos.4 and 5.

Learned counsel for the petitioner after hearing the submissions made by the learned counsel for respondent Nos.4 and 5, has submitted that the petitioner according to his own wish would move to the house where respondent Nos.4 and 5 are residing and in case they apprehend any threat from them or their entry is restricted by respondent Nos.4 and 5, in that eventuality, they may be permitted to file appropriate application in the present case at appropriate stage.

In view of the aforesaid factual position, no further proceedings are called for, at this stage and the present petition is disposed of accordingly.

It is made clear that in case the petitioner, his wife and mentally retarded son need the help of police for entering their house, they can always seek the help of SHO concerned by way of a written application. In case such an application is received by the SHO concerned, he shall supervise the entry of the petitioner in the house. Still further, in case any cause of action arises in favour of petitioner, he may file appropriate application before this Court in accordance with law.

September 23, 2021.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No