

112

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

CRWP No.10574 of 2021 (O&M)

Date of decision: 10.11.2021

Ashok Kumar Pal

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for issuance of a direction to the official respondents to provide adequate protection to the petitioner and his family members at the hands of respondents No.5 to 14.

Counsel for the petitioner has argued that the petitioner is working in Electricity Department and the petitioner – Ashok Kumar Pal and respondent No.5 namely Mukesh Kumar, are the real brothers but the father of the petitioner has disowned respondent No.5 from his ancestral property and on that account, he wants to eliminate the petitioner.

It is stated that the father of the petitioner has also executed a Will in favour of the petitioner excluding respondent No.5 from all the properties and now the respondent No.5 and his wife have started residing in the same property.

A perusal of the petition, though, show that apart from

respondent No.5, who is real brother of the petitioner, respondent No.6 is the wife of respondent No.5 and respondents No.7 and 8 are the sons of respondent No.5, whereas nothing is stated about respondents No.9 to 14, as to how they are extending any threat to the petitioner and his family members.

Even a perusal of the complaint dated 27.10.2021, given to the Superintendent of Police, nowhere speaks about any allegations against private respondents No.9 to 14.

On the face of it, there is a dispute regarding the inheritance of the property as the petitioner is claiming his right on the basis of a Will executed by his father, which is to be decided by the Civil Court.

Since the petitioner has an efficacious remedy of filing a suit for permanent injunction and may pray for injunction against the private respondents, who are his real brother, his wife and sons, I find no ground to issue any such direction to the police authorities as it is not the job of the police to find out whether the Will is a genuine document or not.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

10.11.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No