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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP No.1809 of 2022
Date of Decision: 28.02.2022

Narinder Kumar and another

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. N.K. Paul, Advocate, for the petitioners.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of Mandamus for protection of life and liberty of the petitioners and their family members at the hands of respondent No.4 and other unknown persons.

The learned counsel for the petitioners has submitted that respondent No.4 and other persons had come to the office of the petitioners alongwith weapons and they tried to kill them. Respondent No.4 being Sarpanch of the village had illegally stocked 50,000 bricks, sand of 50 hectare and 1000 packs of cement and that was the reason as to why, he had attacked the petitioners. He further submitted that the representation was given to the SSP, Batala, District Gurdaspur in this regard vide Annexure

P-1 dated 24.02.2022 through courier but no action has been taken by the SSP.

I have heard the learned counsel for the petitioners.

The present petition has been filed under Article 226 of the Constitution of India seeking a writ in the nature of Mandamus. It is a pre-requisite for seeking the remedy of writ in the nature of Mandamus for invoking the extra ordinary jurisdiction under Article 226 of the Constitution of India that a representation or complaint has to be given to the concerned authority before approaching this Court. However, in the present case, *ex facie* the date of representation Annexure P-1 is 24.02.2022 and the present petition has been filed on the very next day i.e. 25.02.2022 and, therefore, such kind of representation is of no consequence for invoking writ jurisdiction of this Court and seeking a writ in the nature of Mandamus. Even otherwise also instead of invoking the alternative remedy before the learned Magistrate for redressal of the grievance of the petitioners, he has straightway invoked the extra ordinary writ jurisdiction of this Court under Article 226 of the Constitution of India. The present petition is also not maintainable in view of the law laid down by the Hon'ble Supreme Court in ***Sakiri Vasu Vs. State of U.P. [2008(1) RCR (Criminal) 392]***.

Consequently, finding no ground to interfere and to invoke the extra ordinary jurisdiction under Article 226 of the Constitution of India, the present petition is dismissed.

28.02.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No