

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

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**CRWP-5691-2020 (O&M)
Date of decision: 27.04.2022**

CHETAN SEHGAL

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. M.S. Sidhu, Advocate
for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Harsh Raheja, Advocate
for respondents No.10 and 11.

VINOD S. BHARDWAJ. J.(Oral)

1. The instant petition has been filed under Article 226 of the Constitution of India praying for a Writ in the nature of Mandamus directing the respondents No.1 to 6 to protect the life and liberty of the petitioner as well as members of his family at the hands of private respondents in connivance with the respondent No.8, the concerned Station House Officer of Police Station City Kotkapura.

2. Learned counsel appearing on behalf of the petitioner has vehemently argued that the private respondents in connivance with the official respondents have been violating the COVID-19 protocol and have been allowing huge congregation/gathering without any permission. The said act of the respondents was clearly and completely in disregard to the notification issued by the State Government to the District Magistrate, Faridkot for

imposing lockdown in Faridkot vide order No. 484MA, Endst No. 3061/MA-MC-2 dated 01.07.2020. The private respondents however managed to hold a rally and block a road in complete contravention to the notification.

3. Pursuant to the notice issued to the respondents, a short reply was filed on behalf of respondent No.6-State of Punjab by way of affidavit of Dr. Nirmal Ouseppachan, IAS, Sub Divisional Magistrate, Kotkapura was filed. The relevant extract of the same is reproduced hereinafter below:-

“ 5. That in response to the above letter dated 28.07.2020, the office of the Senior Superintendent of Police sent the report dated 23.09.2020 stating that enquiry on the complaints submitted by the petitioner has been conducted and action against the guilty persons, who violated the COVID-19 guidelines issued by the Punjab Government, have been taken by challenging them for not wearing the masks and maintaining social distance. As far as allegations regarding damaging the cameras in front of the house of the petitioner and threatening to the life and liberty of the petitioner, the Rapat No. 21 dated 10.09.2020 has already been entered in this regard. With regard to the grievance of the petitioner regarding misbehaving with the employees of the Nagar council, it is reported that neither any verbal nor any written complaint is received from the officials/employees of the Nagar Council and if any such complaint on their behalf is received, the same will be dealt with. Accordingly, it was recommended to file the complaints submitted by the petitioner. A true translated copy of the report dated 23.09.2020 is being annexed herewith as Annexure R-2/T.

6. That in view of the above report dated 23.09.2020 (Annexure R-2/T) there is no need of any action on the complaints dated 03.07.2021 (Annexure P-8), 21.07.2021 (Annexure P-10) and 23.07.2020 (Annexure P-12) submitted by the petitioner by the office of the Deputy Commissioner-cum-District Magistrate Faridkot.”

4. The aforesaid aspect was duly noticed by this Court in its order dated 02.03.2022.

5. Having noticed the response of the State and the action taken thereupon, I am of the opinion that no further direction is required to be issued in the instant matter. The apprehension of threat placed before this Court by the petitioner is now non-existent. The allegation with regard to the misbehaviour with the employees of the Nagar Council was not substantiated by any verbal order or complaint received from the officials of the Municipal Council. It was also undertaken in the said reply that in the event of any such complaint being received appropriate action shall be taken in accordance with law.

6. In view of the stand taken by the respondent-State in its reply, the present petition is dismissed as having being rendered infructuous at this stage.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 27, 2022

Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No