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

CRWP-7197-2022

Date of Decision: 28.07.2022

Kuldeep Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Balwant Singh, Advocate
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking a writ, direction, order in the nature of mandamus for directing respondent Nos.2 & 3, who are the police officials, to protect the life, liberty and property of the petitioner at the hands of private respondents.

Learned counsel for the petitioner has submitted that the petitioner was married with one Gurmeet Singh and after few years of marriage, quarrel took place between them and thereafter, the petitioner is living separately from her husband. He further submitted that the grievance of the petitioner is that the private respondents, who are the parents and relatives of the petitioner herself are forcing her to go back to her husband, and therefore, she may be granted protection of life and liberty. He also referred to representation (Annexures P-3 & P-4) in this regard, which has purportedly given to the SSP, Sangrur and the SHO, Police Station

Amargarh, Tehsil Malerkotla, District Sangrur, but no action has been taken in this regard, and therefore, sought for writ in the nature of mandamus in this regard.

I have heard the learned counsel for the petitioner.

The petitioner is seeking a direction from this Court to be issued to the official respondents to protect life and liberty at the hands of the private respondents, who are parents and relatives of the petitioner. The present petition on the face of it, is devoid of any merit and is liable to be dismissed for two-fold reasons. Firstly, the petitioner is seeking to invoke the extraordinary original jurisdiction of the Court under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus but the petitioner has not even moved any kind of complaint or representation to any authority before filing this petition. She however attached Annexures P-3 & P-4 to show that she had moved the representations/complaints to the police authorities but no action has been taken by them. However, these representations appear to have given by her by way of registered post and the receipt of the registered post has been annexed as Annexure P-5 at Page No.24 of the Paper-book. A perusal of the same would show that these representations were given on 25.07.2022 which is the date mentioned in the receipt at 11.22 and the present petition has been filed on the same date i.e. 25.07.2022. It is, therefore, clear that the date on which the present petition has been filed is the same very date the representations were given by post which could have never reached the appropriate authorities. It is a settled law that a writ of mandamus is not maintainable unless a representation is given to the concerned authority. The argument raised by

the learned counsel for the petitioner that such representations have not been considered is also therefore, misconceived and unfounded since on the date of filing of present petition, such representations were filed on the same date and therefore, no writ of mandamus can be issued in this regard. Secondly, even a perusal of the representations would show that the allegations are totally vague and the grievance of the petitioner is that her own parents are compelling her to go and live with her husband. There is no date or time mentioned anywhere in the petition with regard to any specific incident and the allegations are general and vague in nature and therefore, on this ground also this Court is not inclined to grant any interference. Consequently, the present petition is devoid of any merit and the same is hereby dismissed.

However, the dismissal of the present petition will not preclude the petitioner to approach the authorities, henceforth if so required and so desired by adopting a proper procedure and in case she is actually aggrieved then appropriate application/complaint can be given to the appropriate authorities in accordance with law. In case any such appropriate application is given by the petitioner to the appropriate authority then it is expected that the same shall be considered in accordance with law and the same shall be decided as expeditiously as possible.

28.07.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |