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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRWP-9111-2022
Date of Decision: 21.09.2022

Ajit Singh

....Petitioner(s)

Versus

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Himani Kapila, Advocate, for the petitioner.

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 directing the respondent Nos. 2 to 4 to protect the life and liberty of the petitioner and his family at the hands of respondent Nos. 5 to 7.

It has been submitted by the learned counsel for the petitioner that the private respondents in the month of July, 2022 had entered into the house of the petitioner and forcibly took away the son of the petitioner by calling name by caste and the said incident was brought to the notice of the DSP, Dhariwal, District Gurdaspur on 19.07.2022 and accordingly, an FIR No.107 dated 10.08.2022, under Sections 294, 506, 34 IPC and Sections 3, 4 of SC & ST Act was registered against the aforesaid persons. She submitted that more than one month has left the accused persons have not been arrested and they are roaming freely and the petitioner also fears

threat at the hands of private respondents and has prayed for protection of life and liberty of the petitioner and his family. She further submitted that a representation dated 14.09.2022 was given to the Director General of Police as well as to the Senior Superintendent of Police, District Gurdaspur vide Annexure P-2 but no action has been taken till date.

I have heard the learned counsel for the petitioner.

The present is petition filed under Article 226 of the Constitution of India for seeking a writ in the nature of Mandamus. However, a perusal of the purported representation Annexure P-2 would show that the same is dated 14.09.2022 and the postal receipts have also been pasted on the representation which show that the date of dispatch by way of a registered post is 16.09.2022. Thereafter, 17.09.2022 and 18.09.2022 were Saturday and Sunday respectively and this petition has been filed on 19.09.2022. It is a settled law that for the purpose of seeking a writ in the nature of Mandamus a complaint or a notice or representation has to be given to the concerned authorities in accordance with law and thereafter, some time has to be given to the concerned authorities so that the representation/complaint can be processed but in the present case it appears that even the said representation might not have reach the office of the Director General of Police or the concerned SSP in view of the aforesaid dates which have been mentioned. Therefore, the present petition is not maintainable. Apart from the same, even as per the representation and the pleadings made in the petition, the allegations with regard to threat to the life and liberty appear to be totally vague. Neither any specific

incident has been mentioned nor any date and time etc. has been mentioned anywhere and therefore, the plea which has been taken by the learned counsel for the petitioner is totally vague and evasive.

In view of the aforesaid position, the present petition is devoid of any merit and the same is hereby dismissed.

21.09.2022

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)
JUDGE

: Yes/No
: Yes/No