

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

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**CWP-36906-2019 (O&M)
Date of Decision: 18.10.2022**

DR. S.K. SHARMA

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

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

Present: Mr. Puneet Sharma, Advocate
for the petitioner.

Mr. Saurav Verma, Addl. A.G., Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been instituted under Articles 226/227 of the Constitution of India, 1950 seeking issuance of a writ in the nature of Mandamus directing the respondents No.3, 4 and 6 to act on the representations dated 25.06.2018 (Annexure P-14 colly.) 31.08.2019 (Annexure P-16 colly.) and 11.09.2019 (Annexure P-18).

The allegations in the present petition pertain to alleged rioting by unlawful assembly in prosecution of common object, creating mischief and house trespass.

Learned counsel for the petitioner contends that the petitioner had earlier approached this Court by way of filing of CWP No.5000 of 2018 titled as 'Patel Hospital Pvt. Ltd. Vs. State of Punjab and others' wherein interim order was passed by this Court on 09.03.2018 directing that in the event of any action proposed by the Municipal Corporation, Jalandhar, a prior notice of one week would be issued. He further submits that the Town Planning Scheme was challenged by the Patel Hospital by way of filing CWP

No.28701 of 2019 titled as 'Patel Hospital Vs. State of Punjab and others and that the aforesaid writ petitioner is also pending.

He further contends that the during the pendency of the aforesaid proceedings, the respondents formed an unlawful assembly and carried out acts of trespassing and demolition of the property of the petitioner including the boundary wall of the hospital of the petitioner. He contends that representations in this regard alongwith photographs and videography of the incident of illegal demolition of the property and damage caused to the assets of the petitioner have been duly furnished to the respondent-Authorities, however no action has been taken thereupon.

Learned counsel for the respondent-State has, however, pointed out that the petitioner has other alternative efficacious remedy in the form of approaching the Illaqa Magistrate by way of filing a complaint under Section 190 of the Cr.P.C. in the event of failure on the part of the investigating agency to register an FIR against the alleged private respondents.

In view of the above, there seems no specific reason for the High Court to exercise its inherent jurisdiction under Articles 226/227 of the Constitution of India, especially when other alternative efficacious remedy is available with the petitioner.

Accordingly, the present petition is disposed of with liberty to the petitioner to take recourse to the alternative efficacious remedy available to him in accordance with law.

Disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

18.10.2022
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No