

Suresh Chander and another

...Petitioners

Vs.

U.T. Administration and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

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

MANOJ BAJAJ, J. (Oral)

Petitioners have filed this writ petition under Article 226 Constitution of India seeking writ in the nature of Mandamus directing the official respondents to take action on the representation dated 18.08.2022 (Annexure P-9), wherein a request has been made to respondents No.2 to 4 to take note of his complaint for registration of a criminal case against respondent No.5 under the provisions of Indian Penal Code, 1860 and Prevention of Corruption Act, 1988.

Learned counsel submits that private respondent No.5 and his accomplice Anil Kaushal have been repeatedly harassing the petitioners, by levelling false allegations and extorting money from them. He submits that the petitioners, their son-Amit Kaushik and his wife Meenakshi had jointly purchased immovable property bearing H.No.63, Sector 19A, Chandigarh through sale deed dated 05.08.2020 (Annexure P-2), from vendors Naresh

Kaushal-respondent No.5 and Anil Kaushal, but the said transaction was challenged by the respondent No.5 through a civil suit seeking a declaration that the instrument is illegal, null and void. Apart from it, respondent No.5 also filed a complaint against the petitioners in order to blackmail them, however the Chandigarh Police upon enquiring the complaint, found the dispute to be of civil nature. Learned counsel has further drawn the attention of the Court to various events contained in Para No.2 of the petition, and submitted that respondent No.5 is continuously troubling the petitioners, therefore, a representation/complaint was given by petitioner No.1 to the official respondents No.2 to 4. He submits that no action has been taken upon the same and no FIR has been registered on the basis of the said representation, therefore, the interference is warranted by this Court by way of exercise of jurisdiction under Article 226 Constitution of India.

Upon hearing the learned counsel and considering the averments contained in the writ petition as well as the prayer made in the representation (Annexure P-9), this Court finds that petitioner No.1 has given details of various transactions between the parties and requested the official respondents to register a criminal case against respondent No.5. During the course of hearing, it has not been disputed by learned counsel that there had been litigation between the parties and even the petitioners have invoked the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Thus, considering the contents of the representation dated 18.08.2022 (Annexure P-9) as well as the prayer made therein, this Court does not find it to be a fit case for exercising the extraordinary writ

jurisdiction as for redressal of their grievance, the petitioners can avail the alternative remedy available to them, in accordance with law.

Dismissed.

(MANOJ BAJAJ)
JUDGE

25.01.2023

geeta

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