

CRWP-11491-2023

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

(117)

CRWP-11491-2023

Date of Decision:-29.11.2023

Ashok Singh

.....Petitioner

Versus

State of Punjab and Ors.

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. B.S. Sewak, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents No.2 and 3 to take appropriate legal action against respondents No.4 to 11 on the complaint dated 10.09.2023 and 30.10.2023 (Annexures P-2 and P-3) filed by the petitioner.

2. Learned counsel for the petitioner submits that he had taken one booth bearing No.46 on rent vide Rent Agreement dated 11.03.2023 and has been running his office for the purpose of property dealing from the said premises. He further submits that the private respondents forcibly broke the locks of the said property and relies upon certain photographs to substantiate the same. He further submits that for the said act of the private respondents, the petitioner has already submitted two representations i.e. one on 10.09.2023 and the other one on 30.10.2023 along with necessary documents, however, the Police Authority has failed to take any action.

3. Learned counsel for the petitioner further submits that the life of the petitioner is in peril and, hence, the petitioner has approached this Court for issuance of a direction that his representations dated 10.09.2023 and 30.10.2023 be considered and decided expeditiously.

4. Heard learned counsel for the petitioner.

5. A perusal of the photographs annexed with the petition as Annexure P-4 are contrary to the representation, wherein, the petitioner is alleging that all the persons were armed with weapons, whereas, no such weapons are visible in the said photographs. The people are only found to be sitting on chairs outside the shops of the petitioner and there is no disharmony apparent from these photographs. Even otherwise, the petitioner has a civil remedy to approach the concerned Court to protect his possession but counsel for the petitioner has fairly submitted that the petitioner has not approached the Civil Court. Although, powers under Article 226 of the Constitution of India are there to issue necessary directions, however, the same in this case have apparently been used as a pressure tactic as it is not forthcoming whether the petitioner had even paid the rent or not and what was the occasion for all the persons to come together outside the office of the petitioner.

6. This Court does not find any merit in this present petition and the same is dismissed.

7. However, the petitioner is at liberty to take appropriate steps in accordance with law and the opinion recorded in this order shall not come in his way and the same is only for the purpose of deciding the present petition.

(ALOK JAIN)
JUDGE

November 29, 2023

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Whether speaking/reasoned:- Yes/No

Whether Reportable:- Yes/No