

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CRIMINAL APPLICATION (DIRECTION - TO LODGE
FIR/COMPLAINT) NO. 13172 of 2023**

=====

RAJPARA RASULBHAI JAMALBHAI

Versus

STATE OF GUJARAT

=====

Appearance:

MR JANAK D VARDEY(10910) for the Applicant(s) No. 1

for the Respondent(s) No. 10,11,2,3,4,5,6,7,8,9

MR TIRTHRAJ PANDYA, ADDL. PUBLIC PROSECUTOR for the
Respondent(s) No. 1

=====

CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 15/02/2024**ORAL ORDER**

By way of present petition under Articles 14 and 226 of the Constitution of India, petitioner has prayed for the following reliefs:

"a) Your Lordships be pleased to issue writ of mandamus or any other writ, order or direction directing respondent no.2 to consider and decide the representation / complaint dated 28.02.2023, made to them and register an FIR for commission of offences under relevant and applicable Sections of the Indian Penal Code, in the interest of justice;

b) Your Lordships be pleased to issue writ of mandamus or any other writ, order or direction directing respondent no.2 to provide police protection to the petitioner, [as the accused herein (respondent no.3) holds the position of Sarpanch and is very headstrong person who has been targeting the petitioner

to forcefully make the petitioner leave the village] so that at least the petitioner can earn his living and reside with his family peacefully without any attempt of harassment by the respondent no.3;"

Having heard learned advocate for the petitioner, it appears that there is some dispute going on *qua* encroachment on the land of Panchayat and even notice under Section 135-D of the Bombay Land Revenue Code is also issued and it also appears that under one or another pretext the petitioner has approached various authorities including the Geologist, Office of Chief Minister and tried to prolong the matter. Subsequently, the petitioner has approached the Superintendent of Police, Banaskantha on 28.02.2023. Perusing the said representation also, it appears that threat is administered by Sarpanch and heirs of Sarpanch to the petitioner and that Sarpanch and elected body are not their performing their duty as per the law.

Considering the aforesaid allegations, it appears that no case is made out to issue any direction as sought for by the petitioner. However, if the petitioner intends to take appropriate recourse as so advised under the law then the petitioner shall have the liberty to file appropriate proceedings before appropriate Forum. Hence, present petition is dismissed in *limine*.

(HASMUKH D. SUTHAR, J.)

Ajay