

(2010) 07 UK CK 0139
In the Uttarakhand High Court

Kallu

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 02-07-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 07 UK CK 0139

Hon'ble Judges : Nirmal Yadav, J;B.C.Kandpal, J

Bench : Division Bench

Judgement

B.C. Kandpal, J.—By means of this petition, under Article 226 of the Constitution of India, the petitioner has prayed for issuing a writ in the nature of mandamus, commanding the respondent Nos. 1 and 2 to safeguard the life and liberty of the petitioner and to provide him adequate security as and when required.

2. The facts revealed from the petition are that the petitioner is a tenant in the shop of Nirmal Akhara, Kankhal District Haridwar. Respondents 3 and 4 are the ex-office bearers of District Bar Association, who have been pressurizing the petitioner to vacate the shop and with some anti-social elements they trespassed the shop of the petitioner on 13-06-2010. The petitioner when approached the lawyer to take legal action against the trespassers, then none prepared to provide legal assistance to him and he was also advised not to face the counter of the members of the Bar. The petitioner prepared legal complaint and wanted to file the first information report, but the police also refused to lodge the F.I.R. As the respondents 3 and 4 have been harassing the petitioner and extending threats of kidnapping and murder, hence the petitioner has serious apprehension of his life and liberty and he has thus filed this petition before this Court.

3. Having considered the submissions raised by the learned Counsel for the petitioner Sri Mohd. Umar, and Sri Nandan Arya, learned A.G.A. on behalf of the State, we are of the view that it is not a fit case in which a writ in the nature of mandamus could be issued at this stage. However, we direct that as and when the petitioner feels that the security is required to him, he may approach to the

S.S.P. Haridwar for taking necessary action and S.S.P. Haridwar on the representation made by the petitioner, shall take the necessary action in the matter.

4. With the aforesaid observation the petition is finally disposed of.