
(2022) 10 UK CK 0028

Uttarakhand High Court

Case No: Writ Petition (CRL) No. 1426 Of 2022

Komal Arora And
Another

APPELLANT

Vs

State Of Uttarakhand
And Others

RESPONDENT

Date of Decision: Oct. 13, 2022

Citation: (2022) 10 UK CK 0028

Hon'ble Judges: Vipin Sanghi, CJ; Manoj Kumar Tiwari, J

Bench: Division Bench

Advocate: Vikas Anand, J.S. Virk, Harshpal Sekhon

Final Decision: Disposed Of

Judgement

Vipin Sanghi, CJ

1. The petitioners, as well as respondent nos. 4 and 5 are present, and we have interacted with them. From the interaction, it appears that there is a

dispute as to whom, the rent is payable by the petitioners. It is the case of the petitioners that they are paying the rent to the mortgagee of the

property, to whom respondent nos. 4 and 5 have mortgaged the premises, where they are residing.

2. We have counseled respondent nos. 4 and 5 that it would be proper for them to pursue their civil remedies in a competent Court, in case they have

any cause of action against the petitioners. However, they cannot take law into their own hands.

3. Respondent nos. 4 and 5 state that they have not resorted to any violence, or issued any threats to the petitioners. They undertake before this Court

that they shall not take the law into their own hands; cause any harm or injury to the petitioners, or their family members, or; cause any obstruction in

their enjoyment of the premises, where the petitioners are residing as tenants.

4. The aforesaid undertaking of respondent nos. 4 and 5, which is given to us, is accepted, and they shall remain bound by the same. They shall abide

by this undertaking strictly, and, in case they fail to do so, action shall be initiated against them under the Contempt of Courts Act, apart from initiation

of other actions, which may be available under the law.

5. We direct the respondent no. 3, i.e. the SHO, P.S. Rudrapur, District Udham Singh Nagar, to ensure that adequate protection is provided to the

petitioners in this regard. He shall make an assessment of the threat perception to the petitioners, and shall also regularly counsel respondent nos. 4

and 5 not to take the law into their own hands, or cause any harm to the petitioners.

6. Respondent no. 2, i.e. the SSP, District Udham Singh Nagar, shall monitor and supervise the situation from time to time. In case any complaint is

made by the petitioners, the same shall be attended to on an urgent basis by respondent nos. 2 and 3.

7. We make it clear that we have not examined the rights and liabilities of the parties arising out of the tenancy claimed by the petitioners, in respect of

the premises, where they are residing.

8. The Writ Petition stands disposed of in the aforesaid terms.

9. In sequel thereto, pending application, if any, also stands disposed of.