

PETITIONER:
SRI KAPTAN SINGH [DECEASED]THROUGH LRS.

Vs.

RESPONDENT:
RAJINDER SINGH & ANR.

DATE OF JUDGMENT03/08/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
PARIPOORNAN, K.S.(J)

CITATION:
1995 SCC Supl. (3) 547 JT 1995 (6) 617
1995 SCALE (5)66

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

The appellant filed a writ petition in the High Court seeking for a writ of mandamus directing the Commissioner of Police or the appropriate authority to transfer his complaint dated April 23, 1991 for investigation by an independent police agency other than the local police. The High Court dismissed the writ petition summarily on November 3, 1992. Thus this appeal by Special Leave.

We have heard the learned counsel on both sides. Unfortunately the appellant was done to death and the trial with regard to his murder is pending decision in the appropriate Sessions Court. Therefore, we need not go into the merits in that behalf. The grievance of the appellant-Late Sri Kaptan Singh was that he was the owner of properties mentioned in the writ petition; when he was kept in the police custody in connection with the crime imputed to him, some person holding himself to be his power of attorney was alienating his property and was including third parties into possession. In spite of his repeated complaints made to the authorities, after collusion of the local police in those activities, no action in that behalf was taken by the police officer. It would appear that earlier to the complaint made by the petitioner-appellant to the Commissioner of Police, the local police seems to have investigated and a report in that behalf was sent which now filed as Annexure 1 & 2 to the counter affidavit sworn by one Alok Kumar, D.C.P., South Delhi. It would indicate that the dispute is one of acute disputed questions of fact. Under these circumstances, we cannot satisfactorily adjudicate the dispute in this appeal. Therefore, we leave open the controversy relegating the appellant's legal representative of Sri Kaptan Singh to have the matter adjudicated in an appropriate forum. The appeal is, therefore, dismissed but in the circumstance without costs.

JUDIS