

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-12190 of 2012 (O&M)
Date of Decision: 21.07.2015.

Dharam Singh

--Petitioner

Versus

Ram Mehar

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. A.S. Sandhu, Advocate for
Mr. G.S. Benipal, Advocate for the petitioner.

Mr. Amit Khatkar, Advocate for the respondent.

TEJINDER SINGH DHINDSA.J

Petitioner has filed the instant petition under section 482 Cr.P.C assailing the order dated 16.4.2009 (Annexure P-1), passed by the A.C.J.M., Jind in terms of which the complaint filed by the petitioner under sections 218, 420, 467, 468, 471, 177 and 217 I.P.C and to summon the accused/respondent herein, has been dismissed. Further challenge is to the order dated 11.8.2011 (Annexure P-2), passed by the Additional Sessions Judge, Jind in terms of which the revision petition preferred against the order dated 16.4.2009 (Annexure P-1), has been dismissed.

Counsel for the petitioner has submitted that the petitioner along with his brothers was in possession of total agricultural land measuring 52 kanals. The respondent, who was posted and serving as *Halqa Patwari* (Revenue) of village Ram Rai, Tehsil & District Jind, changed the *khasra-girdawaris* of the land in question in favour of Gram Panchayat of village Ram Rai vide Rapat No.48/49 dated 5.10.1996 and 6.10.1996 respectively without serving any notice upon the complainant/petitioner as also his brothers and thereby causing financial

loss to them. Case set up in a nut shell on behalf of the petitioner is that the respondent while discharging his official duties had acted illegally and without any prior notice and without adopting due procedure recognized by law, changed the *khasra-girdawaris* in favour of the Gram Panchayat on account of party fraction.

Perusal of the impugned orders would reveal that the complaint has been dismissed on the ground that the respondent/accused had changed the *khasra-girdawaris* strictly as per directions issued by his superiors/higher authorities.

In support of the view taken by the courts below, counsel for the respondent has adverted to communication dated 30.9.1996 from the Deputy Commissioner, Jind directing the Tehsildar to change the *khasra-girdawaris* of the land given on *Chakota* in the name of the Gram Panchayat as under self cultivation. Reference has also been made to the *Rapat Roznamcha* bearing No.37 for the years 1996/1997 area Ram Rai, Tehsil Jind pertaining to the direction regarding *khasra-girdawaris* and in which the list of tenants/*gair marusi*, *Chakotedars* on the *shamlat* land of Gram Panchayat, village Ram Rai was furnished and in such list at Sr. No.30 the names of the complainant/present petitioner as also his brothers i.e. sons of Harphool Singh find a mention.

This Court is of the considered view that the courts below have rightfully concluded that the respondent had acted in compliance of the directions issued by the superior authorities. The impugned order at Annexure P-1 dismissing the complaint and order at Annexure P-2 dismissing the revision petition have been passed for valid and cogent reasoning. There would be no warrant for interference by this Court in exercise of its jurisdiction under Section 482 Cr.P.C.

Petition is dismissed.

(Tejinder Singh Dhindsa)
Judge

21.07.2015
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