

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 20422 of 2016

Date of Decision: 29.9.2016

Jyoti Rani and others

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Arun Yadav, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned order dated 15.6.2016 (Annexure P-24) passed by the Deputy Commissioner, Rewari, whereby building plans submitted by the petitioners were not sanctioned, petitioners have approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned order.

Heard learned counsel for the petitioners.

It is a matter of record that petitioners are not owners of the plots on which they are intending to raise construction. It is also not disputed

by learned counsel for the petitioners that owner of the plots is Haryana Waqf Board-respondent No.5. Petitioners were only lessees and their lease, as per stand taken by learned counsel for petitioners, is expiring tomorrow, i.e. 30.9.2016. In such a situation, it does not appeal to reason as to how the respondent-Waqf Board could have issued no objection certificate in favour of the petitioners, allowing them to raise construction on the plots under lease, particularly when the land was meant for graveyard.

It is also very surprising as to how the Municipal Council, Rewari, would have recommended case of the petitioners for sanctioning the building plans. After a careful perusal of the record of the case, it becomes crystal clear that petitioners were intending to commit a calculated fraud with the respondent-Waqf Board, while intending to raise construction on plots which were on lease with them for a limited period of 2 or 3 years.

Officers/officials of the Haryana Waqf Board as well as of Municipal Council, Rewari seem to be in connivance with the petitioners. The ulterior motive of the petitioners was to usurp the public property, which was the absolute ownership of the Haryana Waqf Board. Had the impugned order not been passed by the Deputy Commissioner, Rewari, petitioners might have already started construction on the plot leased out to them by the Haryana Waqf Board.

In view of the above, while dismissing the present writ petition as a totally frivolous litigation, the Deputy Commissioner, Rewari-respondent No.4, is directed to order an enquiry into the matter, about the conduct of officers/officials of Municipal Council, Rewari. Since the officers/officials of the Haryana Waqf Board would not be working under the control of the Deputy Commissioner, Rewari, their conduct would be got

enquired by the Chief Executive Officer of Haryana Waqf Board, Ambala Cantt, by ordering an enquiry forthwith.

Let an effective and expeditious enquiry be conducted. Thereafter, the Deputy Commissioner, Rewari, as well as Chief Executive Officer, Haryana Waqf Board, Ambala Cantt., shall file their respective affidavits alongwith action taken reports before this Court within a period of six months from the date of receipt of copy of this order. It is also made clear that if the Deputy Commissioner, Rewari, deems it appropriate to get the criminal case registered, he would be at liberty to do so.

List on 3.4.2017, for compliance of the abovesaid order.

Office is directed to send a copy of this Court to the Deputy Commissioner, Rewari, as well as to Chief Executive Officer, Haryana Wakf Board, Amabala Cantt., for strict compliance.

29.9.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No