

Civil Writ Petition No. 22684 of 2016

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No. 22684 of 2016

Date of Decision: 27.10.2016

Harbans Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned communication dated 19.9.2016 (Annexure P-5), petitioner has 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.

Learned counsel for the petitioner, at the very outset, fairly states that he does not intend to press this petition for the writ of Certiorari, at this stage. He submits that he restricts his prayer to the limited extent that Deputy Commissioner-cum-District Collector, Bathinda-respondent No.2 may be directed to ensure supply of copy of enquiry report allegedly conducted again after first enquiry report (Annexure P-2). The second enquiry was allegedly conducted at the back of the petitioner without associating him in the said enquiry which finds mention in the communication dated 31.8.2016 (Annexure P-4), by Sub Divisional

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Magistrate, Talwandi Sabo, to the Deputy Commissioner, Bathinda and on the basis thereof, impugned communication dated 19.9.2016 (Annexure P-5) in the form of show cause notice has been issued to the petitioner.

He further submits that petitioner has already submitted his reply vide Annexure P-6 and thereafter, he moved another application dated 10.10.2016 (Annexure P-7) for providing him copy of the enquiry report allegedly conducted by Tehsildar and also statements of the complainant recorded by him behind the back of the petitioner, so as to enable him to supplement his already filed reply vide Annexure P-6, by filing another effective reply. However, no such copy of the enquiry report or statements of the complainant have been supplied to the petitioner so far and in the absence thereof, he has got a bonafide apprehension that learned District Collector, Bathinda, may not be misled by the complainant party against the petitioner, which shall cause serious prejudice to the petitioner. He concluded by submitting that let the petitioner be provided relevant documents, including the enquiry report allegedly conducted by Tehsildar, Talwandi Sabo, as referred to in the communication (Annexure P-4) and also statements of the complainants, enabling him to file his supplementary reply to the impugned show cause notice dated 19.9.2016 (Annexure P-5). Thereafter, District Collector may pass an appropriate order after granting opportunity of being heard to the petitioner.

Having heard learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the Deputy Commissioner-cum-District Collector, Bathinda-respondent No.2 is directed to ensure supply of the 2nd enquiry report allegedly conducted by Tehsildar, Talwandi Sabo, alongwith

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statements of complainants and all other relevant material, enabling the petitioner to file his comprehensive reply to the show cause notice dated 19.9.2016 (Annexure P-5). Thereafter, Deputy Commissioner-cum-District Collector, Bathinda-respondent No.2 shall pass an appropriate order at an early date, strictly in accordance with law and after granting due opportunity of being heard to the petitioner.

With the abovesaid observations made and directions issued, present petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

27.10.2016
Ak Sharma

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