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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 262/2016

ASHOK KUMAR

..... Appellant

Through: Mr. Medhanshu Tripathi with
Mr. Harish Sharma, Advs.

Versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Manish Mohan, CGSC with
Ms. Manisha Saroha, Adv. for R-1 &
2.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **28.04.2016**

CM No.15112/2016 (exemption)

Allowed, subject to all just exceptions.

LPA 262/2016

1. This petition is preferred against the order of the learned Single Judge dated 04.04.2016 in W.P.(C) No.2896/2016. The unsuccessful petitioner is the appellant before us.
2. The appellant/writ petitioner who is a resident of Faridabad, Haryana made a representation dated 17.10.2014 addressed to Prime Minister of India, Ministry of Home Affairs, Government of India and the Director General, State Vigilance Bureau, Haryana requesting to take steps for registration of FIR under the provisions of the Prevention of Corruption Act, 1988 and Mines and Minerals (Development and Regulation) Act, 1957 read with Sections 120B, 188, 217, 218 and 34 of Indian Penal Code, 1860 at State Vigilance Bureau P.S., Gurgaon, Haryana against the 28 officials of

Police, Revenue and Mines and Geology Department alleging illegal mining of sand at Tilpat Ranges- I & II on the banks of river Yamuna. In pursuance thereof, in November, 2014 itself both the Prime Minister's Office and Ministry of Home Affairs, Government of India addressed letters to the State of Haryana to look into the matter and take appropriate action. Copies of the said letters were also marked to the petitioner.

3. On 22.03.2016, the petitioner filed W.P.(C) No.2896/2016 seeking a direction to the Union of India - Ministry of Defence and Ministry of Home Affairs, Indian Air Force and the State of Haryana for disposal of his representation dated 17.10.2014 by passing a reasoned order after giving an opportunity of hearing to him.

4. The learned Single Judge dismissed the writ petition by order dated 04.04.2016 granting liberty to the petitioner to file a writ petition in Punjab and Haryana High Court observing that the said High Court is a convenient forum.

5. The said order of the learned Single Judge dated 04.04.2016 is assailed before us contending *inter alia* that since the petitioner's right of being heard regarding his grievance made out in the representation dated 17.10.2014 has been infringed by the Union of India within the territorial limits of this Court, the learned Single Judge committed an error in declining to entertain the writ petition.

6. We do not find any substance in any of the contentions of the appellant. The petitioner's representation dated 17.10.2014, in fact, was already considered and State of Haryana was requested to look into the matter. Even assuming that there is any inaction on the part of the State of

Haryana to look into the grievance of the petitioner, the convenient forum would be the Punjab & Haryana High Court to consider the issue. At any rate, since the alleged illegal mining has taken place in the State of Haryana and the criminal proceedings as sought by the petitioner against the erring officials are required to be registered in Haryana, as rightly held by the learned Single Judge, the Punjab & Haryana High Court is the convenient forum.

7. The appeal is devoid of any merit and the same is accordingly dismissed.

CHIEF JUSTICE

JAYANT NATH, J

APRIL 28, 2016/pmc