

CWP-11939-2017 (O&M)

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

119

**CWP-11939-2017 (O&M).
Decided on: May 26, 2017.**

Gaurav Jain

.. Petitioner(s)

VERSUS

State of Harana and others

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Ms.Deepa Jain, Advocate,
for the petitioner.**

M.M.S. BEDI, J. (ORAL)

Petitioner claims himself to be a public spirited person.

Through the instant writ petition, he seeks a writ in the nature of mandamus for a direction to respondent Nos.1 and 2, for taking action against respondent No.4, a Sub Registrar, alleging that he is indulging in permitting the execution of the sale deeds in contravention to the provisions of Section 7-A of the Haryana Development and Regulation of Urban Areas Act, 1975 and permitting the registration of the sale deeds of plots situated in unauthorised colonies of Faridabad District.

Aggrieved by no action having been taken on the complaint of the petitioner, the petitioner through his counsel has sent a legal notice Annexure P4 dated 11.11.2016, to the Sub Divisional

CWP-11939-2017 (O&M)

Magistrate, Sector 12, Tehsil and District Faridabad, regarding non-compliance of the provisions of the order dated 19.12.2012.

After hearing the learned counsel for the petitioner, I am of the opinion that the petitioner through the instant petition seeks an action against the official who is performing his duties in the capacity as a Government employee. In case of his misconduct, he is liable for prosecution under the Prevention of Corruption Act subject to legal sanction. In case any act is conducted during the ordinary course of business and any offence is committed, he can be prosecuted after sanction under Section 197 Cr.P.C. In case he is alleged to have committed any wrong during his working as a Collector, he would be protected by the provisions of the Judicial Officers Protection Act, 1850.

Taking into consideration the allegations mentioned in the legal notice, no specific prejudice having been caused to the petitioner by any specific illegal act of respondent No.4; issue of locus standi of the petitioner being debatable to file a complaint against official respondent No.4, I do not deem it appropriate to exercise the jurisdiction under Articles 226 and 227 of the Constitution of India, to issue any direction for decision on legal notice Annexure P4 dated 11.11.2016, especially when I do not find any specific allegation warranting any action in the said notice. Besides this, I do not find the locus standi of the petitioner to enforce any legal right against official respondents arising on account of violation of any statutory obligations causing any prejudice to the petitioner. Status of the petitioner as a public spirited person is also a debatable issue as none of the activities

CWP-11939-2017 (O&M)

of the petitioner reflects that he is actually a public spirited person and his action does not suffer from the vice of mala fide or personal vindictiveness against the official respondent.

The petition is dismissed.

(M.M.S. BEDI)
JUDGE

May 26, 2017.
rka

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No