

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.18565 of 2017
Date of Decision: 11.12.2017

Rajinder Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Ashok Kumar Khunger, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of mandamus seeking direction to respondents No.1 to 3 to take action against respondents No.4 and 5 for misappropriation of MANREGA funds.

The petitioner has made a complaint alleging that the bricks have been purchased for the construction of street from the brick kiln in which the husband of the Sarpanch/respondent No.5 is a partner. He has made a complaint to take appropriate action.

The petitioner was specifically asked to deposit ₹1 lac in the Registry of this Court, which may be paid to respondent No.5, in case it is ultimately found that his complaint is without any basis, for which the counsel for the petitioner had taken time to seek instructions and filed an application that the petitioner is not in a position to deposit the said amount.

Generally these kinds of complaints are filed in which the process of the Court is being used/misused by such type of complainants for the issuance of a direction in which a long drawn litigation takes place

causing loss to the other party both in terms of the money, physical and mental harassment.

Thus in order to dissuade frivolous complaint, the petitioner was asked to deposit ₹1 lac to prove his *bona fide* that in case it is found that his complaint is without any basis then at least the person against whom the case is filed may be adequately compensated. If the petitioner is not in a position to pay ₹1 lac then it would be advisable to him to file a complaint after obtaining cogent evidence under the Right to Information Act, 2005 so that he may take the Court into confidence to initiate proceedings against the person who has allegedly embezzled the Panchayat fund. However, in the absence of any cogent material on record, no notice in the present petition can be issued and the same is hereby dismissed.

11.12.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No