

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

CRM-M-52944-2018 (O&M)

Date of Decision:-30.11.2018

Gaurav Jain

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Yash Dev Kaushik, Advocate for the petitioner.

GURVINDER SINGH GILL, J.(Oral)

By way of filing this petition, the petitioner seeks issuance of directions to respondents No.1 to 3 to register an FIR or to take legal action on the basis of inquiry report of Sub-Divisional Officer (C), Faridabad dated 17.5.2018 (Annexure P-3).

The learned counsel submits that respondent No.4, while being posted as Naib Tehsildar in District Faridabad, had registered various sale-deeds in violation of rules and orders and without insisting upon 'no objection certificate' from District Town Planner. It has been submitted that the aforesaid matter was brought to the notice of Deputy Commissioner, Faridabad who got an inquiry conducted from Sub-Divisional Officer (C), Faridabad, wherein the aforesaid allegations were found to be correct but no action has been taken thereupon against the aforesaid Naib Tehsildar.

I have heard the learned counsel for the petitioner.

A perusal of the inquiry report of Sub-Divisional Officer (C), Faridabad dated 17.5.2018 (Annexure P-3) shows that the aforesaid allegations had been found to be correct. The concluding paragraph of the said inquiry report reads as follows:-

“Therefore, on the basis of the report of the District Town Planner (E), Faridabad dated 06.09.2017 prima facie it is proved that it was necessary to obtain the NOC from the concerned department regarding the execution of the sale deed but no NOC was ever obtained for the execution of the documents but the then Sh. Raj Singh, Naib Tehsildar, Faridabad executed the sale deed without obtaining any NOC from the District Town Planner (E), Faridabad, in violation of the rules and orders of the Government, as per the provisions of section 7(A), Rule 1975 it is necessary to obtain the permission from the concerned department i.e., District Town Planner (E), Faridabad prior to the execution of the sale-deeds.”

Although the petitioner had made a representation to the Commissioner of Police, Faridabad but the said representation had been made prior to the aforesaid report.

The petition is disposed of with a direction to respondent No.2- Commissioner of Police, Faridabad to look into the matter and to dispose of the representation dated 25.1.2018 (Annexure P-4), moved by petitioner, in accordance with law, in light of the report of Sub-Divisional Officer (C), Faridabad dated 17.5.2018 (Annexure P-3) and to take appropriate action thereupon as warranted under law at the earliest preferably within a period of six months from today.

A copy of this order alongwith representation dated 25.1.2018 (Annexure P-4) be sent to respondent No.2-Commissioner of Police, Faridabad so as to enable him to do the needful expeditiously.

30.11.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No