

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

Sr. No.130

**Civil Writ Petition No.10293 of 2018
DECIDED ON: April 26, 2018**

VINOD GUPTA

..PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

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

JASPAL SINGH, J.

Through the instant civil writ petition, preferred under Articles 226/227 of Constitution of India, petitioner-Vinod Gupta has sought issuance of a writ especially in the nature of Mandamus directing the respondents to take action against Gulshan Kumar-respondent No.5 on the basis of inquiry conducted by SDO (Civil) submitted to respondent No.3 vide memo No.8101 dated 27.04.2010 (P-2) and further directing the respondents to take action as per letter dated 06.05.2015 (P-15).

2. The facts recapitulated from the petition are that petitioner has been working as a Municipal Engineer with the respondent No.4-Municipal Corporation, Yamuna Nagar. On 23.01.2009, Udeybhan s/o Ram Karan-respondent No.6 submitted a site plan in the office of respondent No.4 for sanction, though in the sale deed attached with the proposed site plan for sanction, it was shown to be a vacant plot, whereas in the said plot, the aforesaid Udeybhan had got constructed the ground floor as well as first floor without getting the site plan sanctioned/approved. The applicant had submitted a map/site plan for raising construction of second floor over the alleged illegal construction. As such, petitioner had refused to sanction aforesaid site plan with a condition that till date Udeybhan shall deposit the composition fee for alleged illegal construction raised by him. Respondent No.5, who is also husband of the President of the Municipal Committee, Yamuna Nagar started putting pressure upon him to sanction the site plan without deposit of composition fee and as such, nursed a grudge. On 26.06.2009, he came to the office of petitioner, hurled, abuses and extended threats to him that in case he does not approve the site plan, he will be transferred from there. In addition to it, petitioner was also man handled by respondent No.5. The matter was reported and an inquiry was conducted, in which man handling as well as misbehavior committed by respondent No.5 was prima facie proved. SDO (Civil) forwarded the said report with letter dated 17.05.2010 to Deputy Commissioner, Yamuna Nagar. The Secretary, Municipal Corporation, Yamuna Nagar also took up the matter with Deputy Commissioner, Yamuna Nagar. Vide letter dated 06.05.2015, Municipal Corporation, Jagadhri wrote to Deputy Commissioner, Yamuna Nagar that though, in an inquiry conducted by SDO (Civil) Jagadhri, Gulshan Kumar

the then Councilor was found guilty but since he is not the present Councilor of the Corporation, no action can be taken at its end. If at all with regard to misbehavior of Gulshan Kumar, an FIR can be got registered through police.

3. Now, through instant petition, petitioner has sought direction to respondents to take action as per letter dated 06.05.2015 (P-15) but this Court is of the considered view that such a petition is not maintainable and deserves to be dismissed particularly that no such direction can be issued. If at all, petitioner is aggrieved against respondent No.5-Gulshan Kumar, he can proceed with the matter and can have recourse to the remedies available under law. However, no such direction can be issued by this Court.

4. In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such, it stands dismissed.

5. No order as to costs.

April 26, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**