

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21933 of 2018
Date of Decision:28.09.2018

Rajesh Kumar

. Petitioner

Vs.

State of Haryana and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Ram Pal Verma, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J.

The petitioner has prayed for the issuance of a writ in the nature of mandamus for seeking a direction to respondents No.1 to 5 to take action in the enquiry report dated 5.3.2018.

In brief, Mange Ram (since deceased), father of the petitioner, was co-owner in possession of the agricultural land to the extent of his share measuring 03 kanal 19 marla and 25 bigha 1 biswa situated within the revenue estate of Village Shahzahan Pur, Village Patti Musalmaan, Tehsil and District Sonapat till his death dated 11.9.2005. The said land was acquired. In the month of February 2015, respondent No.6 had tried to dispossess the petitioner on the ground that the said land was sold by his father Mange Ram to them. It is alleged that the land was acquired for the public purpose but it was transferred to respondent No.6. The petitioner made a complaint in which an enquiry was conducted and enquiry report was prepared on 05.03.2018. The stand of respondent No.6, before the enquiry officer, was that Mange Ram (since deceased) had entered into an agreement to sell of the land in dispute and handed over the possession after

receiving full payment. He also executed General Power of Attorney in favour of Yogesh Nagpal and the execution of sale deed was only a formality because full payment was already made and possession was taken. It is also alleged by them that the complaint was filed after a gap of 12 years whereas the plots have already been carved out and development work is in progress. In the said report of the Deputy Commissioner, Sonapat, the allegation made against the Government Officials have been negated but it is observed that the father of the petitioner had died before the registration of the sale deeds No.8287 & 8328 dated 13.10.2005.

I have heard learned counsel for the petitioner and perused the record.

As a matter of fact, the present petition is not maintainable, which is apparently filed against respondent No.6 (private limited company), which does not fall within the definition of 'State' in terms of Article 12 of the Constitution of India. Even otherwise it is a purely a civil dispute which can be adjudged only after evidence is brought before the Court. It is alleged by respondent No.6, noticed in report dated 5.3.2018, that the father of the petitioner, namely, Mange Ram had taken the entire sale consideration from them and handed over the possession of the land in dispute on which respondent No.6 have already carved out the plots and the construction is going on. The petitioner has raked up the issue after a long time and did not approach any Court of law at the time when respondent No.6 had claimed right of possession over the property allegedly owned by the petitioner. This kind of complaint filed by the petitioner has no meaning in the eyes of law because it is, at the most, a case of infringement of the right to the private party which can be determined only before the Civil Court.

In view thereof, I do not find any merit in the present petition and the same is hereby dismissed.

28.09.2018

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*