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

CWP No.24087 of 2018

Date of decision: September 28, 2018

Rakesh Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

**Present: Mr. Shashi Bharat Bhushan, Advocate,
for the petitioner.**

Rakesh Kumar Jain, J.

The petitioner has prayed for the issuance of a writ in the nature of *certiorari* for quashing the order dated 21.02.2014 passed by respondent no.1, by which approval for interception facility under Section 5 of Indian Telegraph Act, 1885 and Rule 419(A) of the Indian Telegraph Rules has been granted on the mobile/IMEI number of the petitioner.

In brief, there was a jail break/judicial lock-up in Hisar on 15.04.2011, in which six dreaded criminals had managed to escape. FIR No.239 dated 15.01.2011, under Sections 224/120-B IPC was registered at Police Station Civil Lines, District Hisar on the complaint of ESI Om Parkash, Incharge of the Judicial Lock up, Court Complex. The Inspector General of Police, Hisar Range, Hisar sought permission for interception of mobile/IMEI numbers of the petitioner in terms of Section 5(2) of the Indian Telegraph Act, 1885 and Rule 419(A) of the Indian Telegraph (Amendment) Rules, 2007 of GSR 193 (E) in order to prevent incitement to commission of an offence,

public security and interest. However, respondent no.3, keeping in view the seriousness of the matter, sanctioned interception for 7 days under Rule 419-A(1) of the Indian Telegraph Rules, 1951 and sent the case for approval of the Government for further interception as information was required to be collected about the whereabouts of the accused for their arrest by way of interception of mobile/IMEI number of the petitioner. Respondent no.1 granted permission/approval vide his order dated 21.02.2014 and the said order was to remain in force w.e.f. 14.02.2014 for 30 days.

The petitioner has challenged the order dated 21.02.2014 now before this Court by filing the present petition on 14.09.2018, almost after 4 years and 7 months and also after the impugned order dated 21.02.2014 has already been executed. Therefore, I am of the considered opinion that it would be totally useless to cry over the spilt milk as the cause of action does not survive much-less the writ petition is found to be highly belated, suffers from delay and laches and is thus dismissed as such.

September 28, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned	:	Yes/No
Whether reportable	:	Yes/No