

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

**Civil Writ Petition No. 2984 of 2021 (O&M)
Date of Decision: 10.02.2021**

Jagdish Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE JASWANT SINGH
HON'BLE MR. JUSTICE SANT PARKASH**

Present: Mr. Rajwant Singh Chahal, Advocate
for the petitioner.

*[The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court]*

JASWANT SINGH, J.

Petitioner- Jagdish Kumar has filed the present writ petition seeking a writ in the nature of *Mandamus* for directing the official respondents to transfer the enquiry regarding uprooting of healthy lush green religious tree from Sath of Village pending before BDPO, Abohar (respondent No. 5) to some independent person.

Heard learned counsel for the petitioner at length.

A perusal of the pleadings reveal that unsubstantiated allegations have been levelled against the BDPO, Abohar doubting his integrity although admittedly, the enquiry has been conducted by the official on a complaint moved by writ petitioner regarding illegal cutting of a tree. Mere non-conclusion of the inquiry and / or dis-satisfactory reply of the legal notice given by petitioner cannot *ipso-facto* give a right to the writ petitioner to doubt the integrity of an official and approach this Court to seek its redressal, especially without approaching the higher authorities

and/or take legal recourse available with him under law with relevant proof(s), if any.

Not only this, it is evident from the record that previously present writ petitioner had filed a civil suit on same cause of action which has been withdrawn by him on 19.11.2020 (**Annexure P-13**) without assigning any reasons which is evident from his affidavit dated 24.11.2020 (**Annexure P-14**). No satisfactory explanation is coming forth for this conduct of the petitioner even during course of arguments. Hence, the conduct of writ petitioner is also not without any blemish.

Here we would like to add that levelling serious allegations against an officer holding public office before the highest court of State without any substantial proof, is not only uncalled for but also falls in the category of grave misconduct on part of the petitioner. Mere apprehensions cannot substitute concrete proof, especially in today's times when we observe that such allegations are made without any responsibility. This not only leads to lowering down the morale of officers who are duty bound to assist the public but also puts them in constant fear, which is bound to affect them in discharge of their duties. It is true that the results expected by the public may not be desirable always but at the same time, it does not give public the right to blemish the character of an officer by doubting his integrity. Consequently, we find that apart from dismissing the petition, the writ petitioner is liable to be burdened with heavy costs for his contemptible conduct.

In view of the above, we find no merit in the present writ **petition** and same is therefore, accordingly ordered to be **dismissed** with

costs of ₹ 25,000/- (Twenty-Five Thousand only) to be deposited with the District Legal Services Authority, Fazilka (Punjab) within one (01) month from the date of receipt of certified copy of this order, failing which the same shall be recovered from the petitioner as arrears of land revenue.

(JASWANT SINGH)
JUDGE

February 10, 2021
'dk kamra'

(SANT PARKASH)
JUDGE

Whether Speaking/reasoned	Yes
Whether Reportable	Yes