

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

**CRM-M-7293-2021
Date of Decision : 16.02.2021**

Navjot Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present : None for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 482 Cr.P.C. for issuing direction to respondent Nos. 2 and 3 i.e. the Deputy Commissioner, Ludhiana and the Commissioner of Police, Ludhiana to initiate proceedings against respondent Nos. 6 and 7 for executing sale deeds in violation of an administrative order dated 28.03.2019 passed by the Deputy Commissioner, Ludhiana and further to initiate criminal proceedings against them.

A perusal of the petition shows that petitioner is presently residing in Canada and in para 2, the petitioner has stated that he is in possession of some agricultural land and his family members have sold the land to the private respondents, who are setting up a colony without taking permission from the competent authority. A reliance is placed on the order dated 28.03.2019 vide which, the Deputy Commissioner, Ludhiana has restrained from executing the sale deeds.

It is further stated that a complaint has been given to the Deputy Commissioner, Ludhiana as well as the Chief Secretary, Punjab for taking action against the private respondents as well as respondent Nos.6 and 7 i.e. the Sub

Registrar (Central), Model Town Extension, Ludhiana and Registry Clerk, attached with Sub Registrar.

Learned State counsel upon instructions submits that the complaint given to the Commissioner of Police, Ludhiana was filed as no substance was found.

Learned State counsel further submits that petitioner was found to having no interest in the property which was sold by other persons.

Learned State counsel further submits that petitioner has already availed his civil remedy by filing CWP No.15511 of 2019, in which a direction was issued to respondent to decide the representation filed by the petitioner and on account of non-deciding the same, petitioner has already filed COCP-129-2020, which is pending.

Learned State counsel further submits that on the face of it, no action on the part of police is made out and the primary grievance of the petitioner in his representation (Annexure P-3) addressed to the Chief Secretary, Punjab is regarding evasion of stamp duty while registering sale deeds by the private respondents.

After going through the records and submissions made by learned State counsel, it is found that the petitioner is having an alternative and efficacious remedy to file an appropriate petition under the Stamp Act regarding evasion of stamp duty, if any.

Since no *prima facie* case for initiation of any prosecution is made out, the present petition is dismissed.

16.02.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

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