

CWP-5180-2021
CRM-M-14470-2021
CRM-M-29437-2021

BALJEET SINGH V/S STATE OF HARYANA AND OTHERS

Present:- Mr.Mohammad Arshad, Advocate
 for the petitioner

Mr.Neeraj Poswal, AAG Haryana

Case heard by video conferencing.

On 10.09.2021, the following order had been passed by this

Court:

Case heard by video conference.

Pursuant to the order of this court dated 26.08.2021, an affidavit has been filed by the Deputy Commissioner, Palwal, dated 07.09.2021 (in CWP-5180-2021), stating therein that an examination of the record of that office “in the ordinary course of business”, reveals that no communication had been received till that date as regards any re-inquiry being conducted or to be conducted into the matter in question, with no directions in that regard having been received either from the office of the Chief Minister, Haryana, or from any other higher authority.

Learned counsel for the petitioner however submits that the letter from the office of the Chief Minister, Haryana, was addressed to the Additional Chief Secretary to the Government of Haryana, Department of Development and Panchayats, on July 22, 2021, and only that officer would be able to answer as to whether he has acted upon that letter or not.

It is obvious that the affidavit of the Deputy Commissioner, has been inadvertently filed, giving therein the heading of the Civil Writ Petition, whereas no notice has been issued in that petition.

Consequently, the Additional Chief Secretary to the Government of Haryana, Department of Development and Panchayats, is directed to file a short affidavit stating therein as to whether any such letter has been received in his office and if so, the decision taken thereupon.

Learned counsel for the petitioner as also learned State counsel would also need to address arguments as to why the petitioners' custodial interrogation is required, with the contention of learned counsel for the petitioner being that the allegations against him all being such as would pertain to official record that is already available, such custodial interrogation would not be required.

Learned State counsel has however submitted that even in the inquiry conducted in the matter, it was stated that the petitioner had not cooperated and not handed over any record pertaining to his period as Sarpanch, with him also not having co-operated to the investigating agency after joining investigation.

Learned State counsel shall also get the short affidavit of a gazetted officer filed, as to what record is sought for from the petitioner.

The said affidavit would be filed in CRM-M-29437-2021.

Adjourned to 30.09.2021.

Interim order to continue.

(A photocopy of this order be placed on the files of the each case.)

In terms of the aforesaid order, the learned State counsel has filed an affidavit of the Additional Chief Secretary to Government of Haryana, Development & Panchayats Department, dated 11.10.2021, which is ordered to be taken on record.

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By this petition the petitioner seeks issuance of a writ in the nature of mandamus directing respondent no.2 to conduct a regular enquiry under the provisions of the Haryana Panchayati Raj Act, 1994.

Learned counsel for the petitioner submits that the petitioner's grievance having already been redressed, the accompanying petition has been rendered infructuous.

Disposed of as such.

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It is to be noticed here that though the affidavit dated 11.10.2021 of the Additional Chief Secretary to Government of Haryana, has actually been filed in CWP-5180-2021, however it would be relevant to the other petitions and consequently, a copy of the aforesaid affidavit be placed in the files of the other two petitions, i.e. CRM-M-14470 and 29437-2021 also, which are still pending, with such copy of the affidavit taken on record in those cases too.

Since the appeal filed by the petitioner is still pending with the Additional Chief Secretary to Government of Haryana, and the order therein has been reserved, hearing in these petitions is adjourned to 15.11.2021.

(Counsel for the petitioner is trying to mislead this Court by stating that a re-enquiry has been ordered, which obviously is to be deprecated).

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A photocopy of the order be placed in the files of other
connected cases.

12.10.2021
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(AMOL RATTAN SINGH)
JUDGE