

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

**Civil Writ Petition No. 10504 of 2021 (O&M)
Date of Decision: 28.05.2021**

Krishan Lal Gera

..... Petitioner

Versus

State of Haryana 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 - Krishan Lal Gera has filed the instant writ
petition with the following prayer:-

- (a) *Writ of Mandamus or any other appropriate writ, order or direction as this Hon'ble Court in the circumstance of the case may deem fit be issued to the respondents to take action against into gross misuse, serious lapses, blatant, large scale violations of terms and conditions of allotment, conveyance deed dt. 10.7.93 (Annexure P/3), relevant laws specially HUDA Act 1977 (rules and regulations), Registrations Act 1908, Transfer of Property Act 1882, Building By-laws, Zonal Plans in case of 5 acres of public land in Sector-10, Faridabad, allotted to M/s Technological Consultant Center, Faridabad (a sister concerned of YMCA) for setting up of a training-cum-production institute / industry after conducting fair, impartial and time bound enquiry from some senior higher officer of high integrity as already recommended by Hon'ble Lokayukta, Haryana dt. 20.9.11 (Annexure P/8) after giving detail findings and the same is already highlighted in various survey reports dt.*

25.5.10 (Annexure P/5), Notices dt. 6.5.10 (Annexure P/6), letters dt 16.11.10 (Annexure P/7), resumption orders dt 16.7.13 (Annexure P/9) & illegal, unauthorized, commercial activities are going on giving complete go-by without any change of land use, occupation certificate, No Objection Certificate, Santion building & Zonal plans, permission for sub-division etc. thus making mockery of all the acts, rules, regulations and other laws of lands without any fear. ”

We have heard learned counsel for the petitioner at length and scrutinized the paper book.

A bare perusal of the writ petition shows that the petitioner has no individual interest in the present *lis* and is claiming himself to be a social worker, who had allegedly brought forth the illegal usage of five 5 acres of prime piece of land in Sector 10, Faridabad. It is further evident that the petitioner had approached the Lokayukt, Haryana who had given its report dated 20.09.2011 (**Annexure P-8**). However, no action was taken by the concerned authority and therefore a writ petition in the form of PIL bearing *CWP No. 13587 of 2014* was filed, which was not pressed as a representation was pending. Hence, the petition was withdrawn vide order dated 16.07.2014 (**Annexure P-10**). However, the petitioner filed another *CWP No. 20665 of 2014* before this Court claiming that despite a detailed representation having been given, no action has been taken on the report of Lokayukt. The said writ petition was also disposed off vide order dated 06.10.2014 (**Annexure P-12**) by a learned Single Judge with the following observations:-

- “ 1. The petitioner has a grievance that recommendation of the Lokayukta for appropriate action by the competent authority to initiate enquiry and fix responsibility on official whose lapse has caused the loss of public property has not been duly given effect to. The petitioner is at liberty to engage the competent authority who has been directed to carry out investigation and submit report before the Lokayukta and secure information and if still action is not taken, the petitioner will be at liberty to secure legal redress in accordance with law.
2. The writ petition is disposed of.

October 06, 2014

(K. KANNAN)
JUDGE ”

Admittedly, petitioner thereafter has allegedly represented to the authorities concerned, however no action has been taken till date. Consequently the instant writ petition has been filed seeking the afore-reproduced relief after a gap of nearly seven years.

From the aforementioned facts, it is clear that none of the Fundamental or any legal rights of petitioner has been violated which would give him a cause of action to file the present writ petition as an individual. At best, the petitioner can maintain a PIL and that also if he falls within the well defined parameters of Maintainability of Public Interest Litigation Rules, 2010. Further, it is also clear that the petitioner is trying to seek action on a report given by Lokayukta nearly a decade ago, which according to us, itself raises a doubt on the maintainability of relief claimed, as it seems to be *prima –facie* time barred. **Be that as it may**, since the instant writ petition has been preferred by the petitioner as if he has been wronged individually, which is not the case, the present

petition is dismissed being not maintainable as his remedy would lie elsewhere, if permitted under law.

Dismissed as being not maintainable.

(JASWANT SINGH)
JUDGE

May 28, 2021
'dk kamra'

(SANT PARKASH)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>