

276

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.4916 of 2019 (O&M)

Date of decision: 02.05.2022

Gurbax Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vivek Khatri, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for quashing of the order dated 09.01.2019 (Annexure P4) passed by Deputy Commissioner, Hisar, vide which a direction has been issued to respondent No.5 – Secretary, Municipal Committee, Barwala, District Hisar, to take appropriate action with regard to cancellation of the decree.

It is submitted that the petitioner in the year 1992 was President of the Municipal Committee, Barwala, District Hisar, and had issued directions with regard to removal of unauthorized possession and a civil suit as detailed in the petition was also filed. It is further stated that the petitioner on behalf of the Municipal Committee, Barwala, District Hisar, has filed written statement and the Municipal Committee, Barwala, District Hisar, passed a valid and proper resolution and on the basis of the said written statement, the decree was passed by the Civil Court. Later on, some enquiry was conducted and FIR No.221 dated 23.09.2003 under Section 13(1)(c) of the Prevention of Corruption Act and 218, 420, 448, 120-B IPC was registered at Police Station Barwala, however, the trial Court after full length trial, acquitted the accused persons on 03.03.2011. It is also submitted that with regard to a complaint, SDO (Civil) Barwala, has conducted some enquiry in which he has submitted a report dated 09.06.2015 and after

obtaining the opinion from the District Attorney (Legal), the Deputy Commissioner has passed the impugned order dated 09.01.2019 by giving certain directions to respondent No.5.

Separate reply by way of affidavit of the SDM, Barwala as well as the DSP, Barwala, are filed, in which an objection is raised that the order dated 09.01.2019 is the internal communication between the Deputy Commissioner and the Secretary, Municipal Committee, Barwala, District Hisar, and the petitioner has no locus standi to file this petition. Similar is the reply, filed by SDM, Barwala. It is further stated that on conducting an enquiry, the petitioner was found responsible for alienating the valuable land of the Municipal Committee, Barwala, by filing the written statement which was followed by the Civil Court decree and thereafter, the FIR was registered and the Deputy Commissioner, Hisar has sent the aforesaid communication in respect to that.

After hearing the counsel for the parties, this Court find that this petition filed under Section 482 Cr.P.C., is not maintainable.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

02.05.2022

yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No