

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

232

CRM-A-1133-MA-2015 (O&M)
Date of Decision: 07.02.2023

PUNJAB URBAN DEVELOPMENT AUTHORITY

... Appellant

VERSUS

SEWA SINGH AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashok Grover, Advocate
for the appellant.

Mr. R.S. Toor, Advocate
for respondents No.2 to 4.

SANDEEP MOUDGIL, J. (ORAL)

The instant appeal has been preferred against the judgment dated 12.12.2014 passed by the Judicial Magistrate First Class, Tarn Taran, whereby, the respondents have been acquitted of the notice of accusation served upon them for commission of offences punishable under Sections 3, 5, 8, 9, 14 (2), 15, 18, 21 of the Punjab Apartment and Property Regulation Act, 1995 (hereinafter to be referred to as 'the Act of 1995').

The crux of the allegations levelled against the respondents are that the accused are owners of land bearing Khasra Nos.16, 8/1/1, 11/2, 18/1/3, 9/1/1, 9/1/3, 16, 2/1/1. 20/1/3, 16//9/2/1, 10/1, 11/1, 12, 13//1/1, 13/1/2 situated in the area of village Bachre, Tehsil and District Tarn Taran. The respondents-accused have carved out a colony on the aforesaid pieces of land for the purpose of residential, commercial and industrial purposes without obtaining necessary permission/licence from the competent Authority and thereby commission offence under Section 3 and 5 of the Act of 1995. Even the

respondents-accused do not hold a valid and effective certificate of Registration as Promoter and Estate Agent as required under Section 21 of the Act of 1995.

Finding prima facie evidence against the respondents-accused, the Court below served the Notice of Accusation against the respondents-accused persons under Sections 3, 5, 8, 9, 14 (2), 15, 18, 21 of the Punjab Apartment and Property Regulation Act, 1995.

After considering the evidences led by both sides, the trial Court acquitted the respondents-accused persons of the Notice of Accusation served upon them. Hence, the present appeal.

Learned counsel for the appellant-complainant has vehemently argued that the learned trial Court has committed material illegality and irregularity in passing the impugned judgment dated 12.12.2014. He further argued that the learned Court below has misinterpreted the definition of 'Colony' as well as of 'Promoter' as defined in the Act of 1995. He further contended that the learned Court below has miserably failed to appreciate the evidence of the complainant, who had fully supported and proved the allegations levelled in the complaint. He further argued that the trial Court has acted in a ministerial manner and passed a judgment of acquittal without considering the facts and evidence brought on record.

Per contra, learned counsel for the respondents-accused opposed the arguments raised by the learned counsel for the appellant and submitted that the judgment dated 12.12.2014 does not suffer from any illegality or impropriety and as such, the same deserved to be upheld.

I have heard the learned counsel for the respective parties at length and have gone through the material available on record with their able assistance.

In order to prove its case, the complainant produced on record the sale deeds Mark A to O vide which various pieces of the impugned land had been sold to different persons. But upon examination of the record, it would be revealed that apart from producing the sale deeds, the complainant did not bother to examine any of the persons in whose favour of the land has been sold. It is well settled law that mere production of a document does not prove its contents. In order to prove a document, the author of the said document ought to have been examined by the complainant. Even none of the revenue officials have been examined by the complainant to prove the authenticity of the alleged sale deed. Moreover, the counsel for the appellant has miserably failed to point out any illegality or impropriety in the impugned judgment passed by the learned Court below. The arguments raised hereby by the learned counsel for the appellant have been duly dealt with by the learned Court below. No new ground or arguments has been raised by the learned counsel for the appellant challenging the authenticity, validity and legality of the decision rendered by the learned trial Court. As such, I am of the firm opinion that there is no illegality, perversity or impropriety in the judgment dated 12.12.2014 and as such, the same deserved to be upheld. I order accordingly.

The appeal stands dismissed, as such.

07.02.2023
sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No