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

CWP-23642-2023 (O&M)

Date of decision : 14.12.2023

Chandanpreet Singh and another

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Anil Kumar Garg, Advocate
for the petitioners.

Ms. Akshita Chauhan, DAG, Punjab.

Ms. R.K. Grewal, Advocate
for respondent No.4.

RAJESH BHARDWAJ, J.

CM-21137-CWP-2023

Application is allowed as prayed for. Annexure P-14 and replication/rejoinder to the short reply filed by respondent No.6 is taken on record.

CWP-23642-2023

Prayer in the present petition is for directing respondents No.1 and 2 to take an action against respondent No.6 in view of the applications/complaints filed against her by the petitioners regarding conducting of auction illegally and participating in the same through husband and purchasing the government property in price less than the reserved price and getting other benefits at the cost of department by

causing loss to the department.

It has been submitted by counsel for the petitioners that respondent No.5 got published an advertisement regarding open auction of old building and one gypsy to be conducted on 09.09.2016. He has submitted that auction took place on 09.09.2016 and concerned old building and gypsy were sold in auction. It is submitted that gypsy was sold for an amount of Rs.36,100/- against the reserved price of Rs.50,000/-. He submits that the gypsy was purchased in auction by one Prabhjot Singh and the payment of the same was made by the BDPO from her salary account. It is submitted that the petitioners filed an application/complaint to respondent No.4 regarding the illegality committed by respondent No.6. He submits that however, no action was taken on the complaint filed by the petitioner. He submits that thereafter, various representations/complaints were filed by the petitioners praying for taking the action against respondent No.6 but the same did not yield any result. He submits that on 27.05.2021, petitioner No.2 sought information under RTI and thus, again filed an application on 02.06.2021 to respondent No.4 for taking action for the illegality committed by respondent No.6. It is submitted that the enquiry in the matter was transferred to respondent No.2 from respondent No.3 on the request of respondent No.6 on 04.05.2022. He submits that under the RTI, it was informed that the enquiry is still pending. He further submits that it is apparent that no action has been taken by the respondents on the complaint filed by the petitioners and hence, the enquiry is intentionally being prolonged. He submits that the respondents be directed to conclude the enquiry pending against respondent No.6 and take legal action against

respondent No.6.

On issuance of notice, respondents have filed their reply.

Learned counsel for respondent No.6 has vehemently opposed the submissions made by counsel for the petitioners. She has submitted that petitioners have no *locus standi* to approach this Court by way of present petition. She has further submitted that the allegations levelled against respondent No.6 are false and frivolous as neither she had participated in the auction proceedings nor she had purchased the gypsy. She submits that the gypsy was purchased in the open auction by husband of respondent No.6 who had an independent right to participate in the auction proceedings. She submits that respondent No.6 however, had committed no illegality as she has not violated any provisions of law. It is further submitted that the petition is totally motivated and thus, deserves to be dismissed.

Learned counsel for the State has also opposed the submissions made by counsel for the petitioners. She has filed the reply by way of affidavit of Gurpreet Singh, Executive Officer-cum-Block Development and Panchayat Officer, Ludhiana, Punjab. She has submitted that the publication was made for the open auction of the gypsy in question. It is submitted that none of the petitioners had taken part in the said auction. It is submitted that husband of respondent No.6 participated in the auction as a member of the general public and no other participant in the auction had raised any such objection. She has submitted that the petitioners are neither the members of the Panchayat Samiti nor members of any Gram Sabha under the concerned Panchayat Samiti and thus, they have no *locus standi* to file instant writ petition. It is

submitted that the auction was held in the year 2016 whereas, the complaint has been filed on 02.06.2021 and thus, from the facts and circumstances of the case, conduct of the petitioners in approaching this Court is self-speaking. She submits that on receipt of complaint dated 02.06.2021, petitioner No.3-ADC(D) Ludhiana vide letter dated 22.04.2022 had taken action on it and warning letter was issued to respondent No.6 on 16.12.2022 which has been placed on record as Annexure R-1/T. She submits that thus, it is evident that action on the complaint of petitioners has already been taken by the respondents-authorities. She submits that the petitioners has concealed all these facts from this Court and thus, the grievances raised in the petition are totally without any merits. She has submitted that the petition being devoid of any merits is hereby dismissed.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that publication was made and thereafter, the auction proceedings were carried on 09.09.2016. It is apparent from the facts and circumstances of the case that the petitioners never participated in the auction proceedings. However, husband of respondent No.6 participated in the auction proceedings and remained successful. There is nothing on record to show that the petitioners or anyone else was restrained from participating in the auction proceedings. However, on the complaint filed by the petitioners, a cognizance was taken by the respondents-authorities and respondent No.6 was issued warning letter which reads as follows:-

“On the above subject, after considering the complaints against you by the competent authority and as per the orders passed thereupon, you have been warned to remain vigilant.”

Thus, it is apparent that the action on the complaint of petitioners was already taken by the respondents-authorities and a letter was issued to respondent No.6 with a warning to remain vigilant. Thus, the contention raised by counsel for the petitioners that no action was taken on the complaints is without any merit. Hence, no direction as prayed by the petitioners is required to be issued by this Court. Hence, present petition is hereby disposed of. However, if the petitioners have any further cause of action, they would be at liberty to pursue the same as in accordance with law.

14.12.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No