

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

CRR-3444-2019 (O&M)
Date of Decision: 02.06.2023

Prem Sagar Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. K.S.Sidhu, Senior Advocate with
Mr. Praagbir S. Dhindsa, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Sukhwinder Singh.

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GURVINDER SINGH GILL, J.

1. The petitioner assails order dated 25.11.2019 passed by the Special Court, Sangrur vide which an application dated 7.7.2019 (Annexure P-13) filed by the petitioner seeking his discharge has been declined.
2. A few facts, necessary to notice for disposal of the petition are that the petitioner was appointed as a Clerk in Municipal Council, Sangrur vide order dated 22.8.1985. One FIR i.e. FIR No. 9 dated 20.4.2018, under Sections 7, 13(2) of the Prevention of Corruption Act, 1988, Police Station Vigilance Bureau, Patiala Range, Patiala (Annexure P-1) was lodged against the petitioner at the instance of Anil Kumar wherein he alleged that he intended to sell his house and for which he was in need of NOC which was to be issued by the Municipal Council, Sangrur. The complainant met Prem Sagar Gulati (petitioner) who demanded illegal gratification of Rs. 4,000/- for

getting the NOC issued. The said amount was settled at Rs. 2,500/- which the complainant was told to bring on 20.4.2018. However, since the complainant did not wish to pay the bribe amount, he reported the matter to the Vigilance Bureau. A trap was laid and the petitioner was caught red handed while accepting an amount of Rs.2,500/- as bribe from the complainant.

3. The matter was investigated by the Vigilance Department and pursuant thereto a challan was prepared against the petitioner. A request was made by the Vigilance Department to the Executive Officer, Municipal Council, Sangrur for according sanction for prosecuting the accused vide request letter dated 11.9.2018 (Annexure P-6). The matter was considered by the Municipal Council, Sangrur and a Resolution No. 430 dated 15.11.2018 (Annexure P-7) was passed declining the request of the Vigilance Bureau for according sanction to prosecute the petitioner. The Executive Officer, Municipal Council Sangrur, however, referred the resolution to the Director, Local Bodies. The Director, Local Bodies vide order dated 5.2.2019 (Annexure P-9) set aside Resolution No. 430 dated 15.11.2018 (Annexure P-7), in exercise of powers under Section 236 of the Punjab Municipal Act 1911, and directed the Executive Officer, Municipal Council to take necessary steps for issuance of sanction order and for prosecuting the petitioner. Pursuant to the aforesaid order dated 5.2.2019 (Annexure P-9) passed by the Director, Local Bodies, Punjab, the Executive Officer, Municipal Council, Sangrur issued sanction order dated 26.3.2019 (Annexure P-12) for prosecuting the accused and a copy of which was also conveyed to the SSP, Vigilance Bureau, Patiala Range, Patiala.

4. The petitioner moved an application dated 17.7.2019 (Annexure P-13) before the trial Court seeking his discharge on the ground that the appointing authority of the applicant is Municipal Council, Sangrur and not Executive Officer of the Municipal Council and that as such, the sanction order dated 26.3.2019 (Annexure P-12) is invalid having been passed by an authority which was not competent. The trial Court, however, dismissed the application filed by the petitioner for his discharge, while relying upon order dated 2.3.2016 passed in CRM-M-43085 of 2015 - Satpal Ram Vs. State.
5. The learned counsel for the petitioner, while assailing the impugned order dated 25.11.2019, has vehemently argued that it is the Municipal Council, which is the competent authority to take a decision as regards according any sanction for prosecuting its employee and that the Executive Officer has no authority for according sanction. It has further been submitted that as a matter of fact the sanction in the present case had initially been declined by the Municipal Council vide its Resolution No. 430 dated 15.11.2018 (Annexure P-7) and as such, the same could not have been reviewed even by any higher authority. The learned counsel has also submitted that even if it is presumed that the Director was empowered to set aside any resolution passed by the Municipal Council, it could not have directed the Executive Officer to accord sanction and at best it could have directed the Municipal Council to reconsider the matter. It has been submitted that since it is a case where the sanction order dated 26.3.2019 (Annexure P-12) cannot be held to be a valid sanction measured by any yardstick, therefore, the entire proceedings are *nonest* and the petitioner deserves to be discharged. The learned counsel, in

order to hammer forth his aforesaid submission, places reliance upon the following three judgments :

- (i) 2013(2) R.C.R. (Criminal) 959 - Mohan Singh and another Versus State of Punjab and another;
- (ii) 2006(2) R.C.R. (Criminal) 430 - Mohammed Iqbal Bhatti Versus State of Punjab; and
- (iii) 2015(3) R.C.R. (Criminal) 862 - Nanjappa Versus State of Karnataka.

6. On the other hand, the learned State counsel has vehemently argued that the Resolution No. 430 dated 15.11.2018 (Annexure P-7) passed by Municipal Council declining sanction, had been set aside by Director in exercise of delegated powers under Section 236 of the Punjab Municipal Act, 1911 and that as such, the same could not be called to question. It has further been submitted that in the present case the petitioner asserts that the sanction order is invalid whereas the question as regards validity of sanction can only be raised during trial at appropriate stage after the relevant evidence pertaining to sanction has been brought on record including examination of the officer who had accorded sanction. The learned State counsel has further submitted that the Hon'ble Supreme Court in a plethora of judgments had consistently held that a case which has proceeded without any sanction is on a different footing than a case where sanction order is in existence but is alleged to be defective or invalid. It has been submitted that while the issue regarding there being no sanction order can be raised at the very inception of proceedings, the issue regarding any defect, omission or irregularity in the sanction order can only be raised during the course of trial and that the proceedings of trial cannot be scuttled short by raising such plea during intermediate stage of trial.

7. This Court has considered rival submissions addressed before this Court.
8. There is no dispute that Municipal Council, Sangrur, being the appointing authority of petitioner, would be the authority competent to accord sanction to prosecute the petitioner. However, the Punjab Municipal Act, 1911 vests the State Government with powers to examine any proceedings of the Municipal Council as regards propriety and to even annul the same. Sections 232 and 236 of the Punjab Municipal Act, 1911 read as under:

232. Powers to suspend any resolution or order of committee.

The Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of a committee, or joint committee or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this act, or in pursuance of any sanction or permission granted by the committee in the exercise of its powers under the Act, if, in his opinion the resolution, order or act is in excess of the powers conferred by law or contrary to the interests of the public or likely, to cause waste or damage of municipal funds or property, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, to encourage lawlessness or to cause injury or annoyance to the public or to any class or body of person.

236. Power to State Government and its officers over committees. -

- (1) The State Government and Deputy Commissioners, under the orders of the State Government, shall be bound to require that the proceedings of the committees shall be in conformity with law and with the rules in force under any enactment for the time being, applicable to generally or the area over which the committee have authority.
- (2) The State Government may exercise all powers necessary for the performance of this duty, and may among other things, by order in writing, **annul or modify any proceeding** which it may consider not to be in conformity with law or with such rules as aforesaid, or for the reasons which would in its opinion justify an order by the Deputy Commissioner under Section 232.
- (3) The Deputy Commissioner may within his jurisdiction for the same purpose exercise such powers as may be conferred upon him by rule made in this behalf by the State Government.

9. Vide Punjab Government notification dated 22.7.2005 (Annexure R-1), the powers and functions of the State Government under Section 236 of the

Punjab Municipal Act, 1911 were delegated to the Director, Local Government, Punjab. The said notification reads as under:

Punjab Government Gazette
Published by Authority

No.29 CHANDIGARH, FRIDAY, JULY 22, 2005 (ASADHA 31, 1927 SAKA)

Part I – B
Notifications by Local Government
DEPARTMENT OF LOCAL GOVERNMENT
(GENERAL BRANCH)
CORRIGENDUM
The 19th July 2005

“No. IDLG-GB-2005/49- In partial modification of Punjab Government Notification IDLG-GB-2003/12127 dated 30th April, 2023 and in exercise of powers conferred by section 32 of Punjab Municipal Act, 1911, the Governor of Punjab is pleased to delegate with immediate effect powers and functions of State Government under section 236 of the said Act to the Director, Local Government, Punjab in case of Class-I, II and III Municipal Councils and Nagar Panchayats.”

10. A perusal of Section 236 of the Punjab Municipal Act shows that it not only vests the State Government with a power to modify or annul any proceedings of the Committees but rather casts a duty to ensure that the proceedings of the Committees are in conformity with law and with the rules. Further by way of the above reproduced notification dated 22.7.2005 (Annexure R-1), the powers under Section 236 of the Punjab Municipal Act stand delegated to the Director, Local Government. Thus, the Director was competent to exercise delegated powers of State Government, under Section 236 of the Act. The decisions taken by the Municipal Council are conveyed and implemented through the Executive Officer. Thus, in case a decision pertaining to Municipal Council, is taken by Director, while exercising

delegated powers under Section 236 of the Act, the same would be ultimately executed through the Executive Officer, as has been done in the present case.

11. It is not in dispute that in the present case a sanction order dated 26.3.2019 (Annexure P-12) does exist though the same is being assailed by counsel for the petitioner on various counts. The question before this Court is as to whether the “validity” of a sanction order can be assailed at the stage of framing of charges so as to seek discharge or as to whether the said issue regarding validity should be raised and agitated during the course of trial where the trial Court would also be having the advantage of the evidence recorded before it.
12. The aforesaid issue is no longer *res-integra* and it has repeatedly been held by Hon’ble Supreme Court that it is only during the trial that the issue regarding validity of the sanction order on account of any error, omission or irregularity may be raised.
13. Hon’ble Supreme Court in 2009(3) R.C.R. (Criminal) 599 - State of M.P. Versus Virendra Kumar Tripathi was dealing with an identical question i.e. as to whether the accused can be discharged at the stage of framing charges, error or irregularity in the grant of sanction to prosecute or could get the proceedings quashed by approaching the High Court. The relevant extracts of which are reproduced below :-

“6.Further the High Court has failed to consider the effect of Section 19(3) of the Act. The said provision makes it clear that no finding, sentence or order passed by a Special Judge shall be reversed or altered by a court of appeal on the ground of absence of /or any error, omission or irregularity in sanction required under sub-section (1) of Section 19 unless in the opinion of the Court a failure of justice has in fact been occasioned thereby.

In the instant case there was not even a whisper or pleading about any failure of justice. **The stage when this failure is to be established yet to be reached since the case is at the stage of framing of charge whether or not failure has in fact been occasioned was to be determined once the trial commenced and evidence was lead.** In this connection the decisions of this Court in *State v. T. Venkatesh Murthy [2004(7) SCC 763]* and in *Prakash Singh Badal v. State of Punjab [2007(1) SCC 1]* need to be noted.

7. That being so the High Court's view quashing the proceedings cannot be sustained and the State's appeal deserves to be allowed which we direct.”

(emphasis supplied)

14. Hon’ble Supreme Court in *2014(2) R.C.R. (Criminal) 400 - State of Bihar and others Versus Rajmangal Ram* while considering the issue regarding intervention of the High Court for quashing proceedings on the ground that sanction was not accorded by a competent authority held that the High Court could not interdict the criminal proceedings on such grounds or on the ground that the sanction order was mechanically passed without considering the relevant facts and record. The question framed for adjudication in the said case is reproduced herein-under :-

“Whether a criminal prosecution ought to be interfered with by the High Courts at the instance of an accused who seeks mid-course relief from the criminal charges levelled against him on grounds of defects/omissions or errors in the order granting sanction to prosecute including errors of jurisdiction to grant such sanction?”

15. Hon’ble Supreme Court while referring to a plethora of judgments held as follows :-

“7. In a situation where under both the enactments any error, omission or irregularity in the sanction, **which would also include the competence of the authority to grant sanction**, does not vitiate the eventual conclusion in the trial including the conviction and sentence, unless of course a failure of justice has occurred, it is **difficult to see how at the intermediary stage a criminal prosecution can be nullified or interdicted on account of any such error, omission or irregularity** in the sanction order without arriving at the satisfaction that a failure of justice has also been occasioned. This is what was decided by this

Court in *State by Police Inspector vs. T. Venkatesh Murthy*, 2004(4) RCR (Criminal) 388: (2004)7 SCC 763 (paras 10 and 11) wherein it has been *inter alia* observed that,

“14.Merely because there is any omission, error or irregularity in the matter of according sanction, that does not affect the validity of the proceeding unless the court records the satisfaction that such error, omission or irregularity has resulted in failure of justice.”

8. The above view also found reiteration in *Prakash Singh Badal and Another vs. State of Punjab and Others*. 2007(1) RCR (Criminal) 1 : 2007(1) Recent Apex Judgments (R.A.J.) 71 : (2007)1 SCC 1 (para 29) wherein it was, *inter alia*, held that mere omission, error or irregularity in sanction is not to be considered fatal unless it has resulted in failure of justice. In *Prakash Singh Badal* (supra) it was further held that Section 19(1) of the PC Act is a matter of procedure and does not go to the root of jurisdiction. On the same line is the decision of this Court in *R. Venkatkrishnan vs. Central Bureau of Investigation*, 2009(4) RCR (Criminal) 140 : 2009(5) Recent Apex Judgments (R.A.J.) 217 : (2009)11 SCC 737. In fact, a three Judge Bench in *State of Madhya Pradesh vs. Virender Kumar Tripathi*, 2009(3) RCR (Criminal) 599 : 2009(4) Recent Apex Judgments (R.A.J.) 351 : (2009)15 SCC 533 while considering an identical issue, namely, the validity of the grant of sanction by the Additional Secretary of the Department of Law and Legislative Affairs of the Government of Madhya Pradesh instead of the authority in the parent department, this Court held that in view of Section 19(3) of the PC Act, interdicting a criminal proceeding mid-course on ground of invalidity of the sanction order will not be appropriate unless the court can also reach the conclusion that failure of justice had been occasioned by any such error, omission or irregularity in the sanction. It was further held that failure of justice can be established not at the stage of framing of charge but only after the trial has commenced and evidence is led (Para 10 of the Report).”

16. The aforesaid issue also came to be discussed in 2012(1) R.C.R. (Criminal) 100 - Dinesh Kumar Versus Chairman, Airport Authority of India and another wherein it was held as under :-

“10. The provisions contained in Section 19(1), (2), (3) and (4) of the P.C. Act came up for consideration before this Court in *Parkash Singh Badal and another*. In paras 47 and 48 of the judgment, the Court held as follows:

‘47. The sanctioning authority is not required to separately specify each of the offences against the accused public servant. This is required to be

done at the stage of framing of charge. Law requires that before the sanctioning authority materials must be placed so that the sanctioning authority can apply his mind and take a decision. Whether there is an application of mind or not would depend on the facts and circumstances of each case and there cannot be any generalised guidelines in that regard.

48. The sanction in the instant case related to the offences relatable to the Act. **There is a distinction between the absence of sanction and the alleged invalidity** on account of non-application of mind. **The former question can be agitated at the threshold but the latter is a question which has to be raised during trial.'**

11. While drawing a distinction between the absence of sanction and invalidity of the sanction, this Court in *Parkash Singh Badal* expressed in no uncertain terms that **the absence of sanction could be raised at the inception and threshold by an aggrieved person. However, where sanction order exists, but its legality and validity is put in question, such issue has to be raised in the course of trial.** Of course, in *Parkash Singh Badal*, this Court referred to invalidity of sanction on account of non- application of mind. In our view, invalidity of sanction where sanction order exists, can be raised on diverse grounds like non-availability of material before the sanctioning authority or bias of the sanctioning authority or the order of sanction having been passed by an authority not authorised or competent to grant such sanction. The above grounds are only illustrative and not exhaustive. All such grounds of invalidity or illegality of sanction would fall in the same category like the ground of invalidity of sanction on account of non-application of mind - a category carved out by this Court in *Parkash Singh Badal*, the challenge to which can always be raised in the course of trial.”

(emphasis supplied)

17. Hon'ble Supreme Court in 2015(3) R.C.R. (Criminal) 862 - Nanjappa Versus State of Karnataka held as under :-

“Ordinarily, the question as to whether a proper sanction has been accorded for prosecution of the accused persons or not is a matter which should be dealt with at the stage of taking cognizance. But in a case of this nature **where a question is raised as to whether the authority granting the sanction was competent therefore or not, at the stage of final arguments after trial**, the same may have to be considered having regard to the terms

and conditions of service of the accused for the purpose of determination as to who could remove him from service..... ”

(emphasis supplied)

18. The aforesaid consistent view of Hon’ble Supreme Court leaves no manner of doubt that the question regarding validity of sanction is best left to be examined during the course of trial when the trial Court would have the advantage of evidence that is led by the prosecution as it will be in a better position to examine all the finer issues including the issue pertaining to competence of sanctioning authority.
19. The two judgments of this Court cited by learned counsel for the petitioner i.e. 2013(2) R.C.R. (Criminal) 959 - Mohan Singh and another Versus State of Punjab and another(Pb. & Hr.) and 2006(2) R.C.R. (Criminal) 430 - Mohammed Iqbal Bhatti Versus State of Punjab(Pb. & Hr.) have not dealt with the issue as regards the stage when such an issue regarding validity of sanction order may be raised.
20. The judgment of Hon’ble Supreme Court pressed into service by learned counsel for the petitioner i.e Nanjappa’s case (supra) is a case where Hon’ble Supreme Court despite having returned a finding that the appellant or revisional Court cannot reverse an order of the trial Court unless it finds that there has been failure of justice on account of the invalidity of sanction and that such question could be raised before the trial Court at the stage of final arguments did not direct a fresh trial as the occurrence was found to be 17 years old and the accused who was 38 years old at the time of the occurrence was a senior citizen by the time Hon’ble Supreme Court rendered this decision. Further, the Hon’ble Supreme Court held therein that in case a question is raised as to whether the authority granting the sanction was

competent or not, the appropriate stage to examine the same is the stage of final arguments after trial. As such, the said judgment cannot be said to advance the case of the petitioner in any manner.

21. As regards Ashok Kumar Aggarwal's case (supra), on which the counsel for petitioner has placed reliance, a perusal of same would show that the judgment was delivered in light of peculiar facts of the said case and cannot be treated as a precedent that in every case of invalid sanction, the proceedings have to be dropped. Even otherwise, the Hon'ble Supreme Court has reiterated the consistent and settled position in this regard while stating as under:

“46. The most relevant issue involved herein is as at what stage the validity of sanction order can be raised. The issue is no more res-integra. In *Dinesh Kumar v. Chairman Airport Authority of India & Anr.*, 2012(1) RCR (Criminal) 100 : 2011(6) Recent Apex Judgments (R.A.J.) 259 , this Court dealt with an issue and placing reliance upon the judgment in *Parkash Singh Badal & Anr. v. State of Punjab & Ors.*, 2007(1) RCR (Criminal) 1 : 2007(1) Recent Apex Judgments (R.A.J.) 71 , came to the conclusion as under:

‘13. In our view, having regard to the facts of the present case, now since cognizance has already been taken against the appellant by the trial Judge, the High Court cannot be said to have erred in leaving the question of validity of sanction open for consideration by the trial court and giving liberty to the appellant to raise the issue concerning validity of sanction order in the course of trial. Such course is in accord with the decision of this Court in *Parkash Singh Badal*’

47. Undoubtedly, the stage of examining the validity of sanction is during the trial and we do not propose to say that the validity should be examined during the stage of inquiry or at pretrial stage.”

22. Although, Hon'ble Supreme Court in Ashok Kumar Aggarwal's case (supra), where validity of the sanction was in issue, and the accused therein had challenged the same even before charges were framed, the Hon'ble Supreme

Court ordered for closing of the proceedings mainly while observing that the matter was about 15 years old and also while noticing another distinct feature which is being described in the discussion which follows.

23. In Ashok Kumar Aggarwal's case (supra), the accused had initially questioned the validity of the sanction order before the Special Court but the same was dismissed while observing that the issue could be examined during trial. The accused challenged the said order by way of filing a criminal revision before the High Court. The High Court set aside the order of the Special Judge and remanded the case back to the Special Judge so as to record a finding on the question of any "failure of justice" in according sanction and to examine the sanctioning authority as a witness at pre-charge stage, if it deemed fit. The trial Court examined the witness pertaining to sanction order and upon considering the matter regarding validity of sanction, turned down the contentions raised on behalf of the accused. The witness summoned by the Special Judge, in compliance of order passed by the High Court, i.e. the sanctioning authority had furnished his affidavit dated 3.11.2001. The relevant extract of which is reproduced herein-under :

- "4. I confirm the statement of facts in Paragraphs 8 and 24 of the order of the Hon'ble High Court. No statements of witnesses or the documents relied in the charge-sheet are ordinarily forwarded to the Finance Minister of the day. What is sent is a draft order, whereafter sanctioning by the Minister is normally a routine acceptance of that draft. What was considered by me was only that which was sent or recommended to me.
5. If the obligation was to consider more than which was sent, then that has not been done, therefore, unwittingly prejudice might have been caused and justice miscarried. I leave it to the Court to decide the matter."

24. The High Court while accepting the case of the accused/petitioner had observed in Para 8 of its judgment as follows :-

“8. Further, it is contended that the charge sheet relies upon 366 witnesses, whereas the list annexed to the SP’s report mention only 278 witnesses. 88 witnesses were not even mentioned in the list and the statement of not even a single witness, out of 366 witnesses was sent to the sanctioning authority. Moreover, the charge sheet refers to 1220 documents, whereas the list attached to the SP’s report only mention 282 documents. Thus, 938 documents were withheld from the sanctioning authority including documents consisting of income tax record of the petitioner. The Apex Court has held in *DSP Chennai v. K. Inbasakaran*, (2006) 1 SCC 420 that:

“Income tax return and assessment orders are relevant in a case of disproportionate assets.”

25. Hon’ble Supreme Court in above referred *Ashok Kumar Aggarwal’s case* (supra), while noticing the aforesaid peculiar facts observed as under in Paras 48 and 49 of the said judgment :-

“48. However, in the instant case, the fact-situation warrant a different course altogether as the impugned order had already been partly complied with before filing the petition before this Court. The appellant admittedly did not disclose the material facts in this petition. Had the said facts been disclosed perhaps this Court would not have entertained this petition and the matter could have been concluded by the Trial Court much earlier. The affidavit filed by the sanctioning authority may tilt the balance in favour of the respondent if duly supported by the deponent and not disclosing the material fact i.e. filing of such an affidavit by the sanctioning authority before the Special Judge, indicates serious and substantial prejudice to the respondent. The material on record reveals that it could be a case of serious prejudice to the respondent so far as the decision making process by the sanctioning authority is concerned. The benefit of interim protection granted in favour of the appellant where the appellant has not disclosed the material facts, should be neutralized.

49. We do not find any force in the submission made by Shri Jethmalani, learned senior counsel that as the matter is about one and a half decade old and the respondent has already suffered because of protracted legal proceedings at various stages before different forums, it is warranted that prosecution against him be closed altogether.”

26. A perusal of the above extracts show that it was in the peculiar facts of the case where the trial Court pursuant to directions issued by High Court had examined the Officer according sanction and had returned its findings coupled with the fact that the case by that time had become 15 years old, that the Hon'ble Supreme Court chose to drop the proceedings. Hon'ble Supreme Court has nowhere held in the said judgment that the matter pertaining to sanction is to be considered mid-trial or at any intermediate stage so as to scuttle short the proceedings.

27. The above referred judgments have fully settled the position of law pertaining to a case where there is "absence" of sanction or a case pertaining to "invalidity" of sanction and the stage at which the such issues may be raised . The position, as crystalised, may be stated as under:

- (i) There is a sharp distinction between a case of absolute absence of sanction and a case of invalid sanction. (*Parkash Singh Badal's case*).
- (ii) The issue as regards absence of sanction could be raised at the inception and threshold by an aggrieved person. However, in case the sanction order does exists but its legality and validity is put in question, such issue has to be raised in the course of trial. (*Parkash Singh Badal's case*)
- (iii) The words "error, omission or irregularity in the sanction", as mentioned in Section 19(3) of the Act would also include the competence of the authority to grant sanction (*State of Bihar and others Versus Rajmangal Ram*).
- (iv) In a case where a question is raised as to whether the authority granting the sanction was competent or not, it is at the stage of final arguments after trial, that the same ought to be considered, having regard to the terms and conditions of service of the accused for the

purpose of determination as to who could remove him from service
(Nanjappa Versus State of Karnataka).

28. Measuring up the instant case against the settled position of law, this Court does not find any ground to set aside the impugned order. It is a case where sanction order does exist. Although, the Municipal Council had declined sanction in the first instance, but the Director, in exercise of delegated powers under Section 236 of the Punjab Municipal Act had reversed the decision and had directed the Executive Officer to do the needful and pursuant thereto, the impugned sanction order dated 26.3.2019 (Annexure P-12) came to be issued and which is a detailed speaking order wherein all the relevant facts have been duly noticed.
29. Concluding the discussion made in the preceding paragraphs, this Court does not find any merit in the instant petition. The issues as regards invalidity of sanction may be available to the petitioner upon conclusion of evidence may be raised before the trial Court at final stage after evidence has been led. In case, any such issue is raised, the trial Court shall consider the same independently, having regard to the evidence which may have been led before it.
30. The petition, as such, is found to be sans merit and is dismissed.

02.06.2023
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No