

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

120

CWP-2105-2024 (O&M)
Date of decision: 01.02.2024

Sanjit Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Vineet Kumar Jakhar, Advocate and
Mr. Gurminder Singh Phull, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the petition is for restraining respondent 5 from interfering into the free, fair and meaningful investigation in FIR No.79 dated 14.03.2020 at Police Station Sadar Rohtak registered under Sections 406 and 420/34 IPC.
2. Learned counsel for the petitioner contends that there was a pond existing in Shamlat Pana Dudan of village Sanghi, Tehsil and District Rohtak, which is being used for common purpose by the villagers since its existence. The ownership of the pond is with Gram Panchayat. However, the accused persons illegally auctioned the said pond and misappropriated the amount collected.
3. It is averred that the petitioner initiated proceedings against the

illegal acts of the accused persons and approached this Court by way of writ petition (CWP-8115-2017) and the same was disposed of with a direction to the official respondents to take necessary legal action on the complaints and to cancel the illegal lease of the village pond.

4. A response was filed by the District Development and Panchayat Officer, Rohtak on 20.07.2017 wherein it was averred that appropriate action is being taken in a legal manner.

5. The respondents were impleaded as party in the said writ petition. A subsequent reply dated 09.04.2018 was also filed by the District Development and Panchayat Officer, Rohtak pointing out that the auction of the pond had been carried out without any permission from the Administration. Noticing the illegality/irregularities in the matter, this Court vide its order dated 05.12.2018 directed the Deputy Commissioner to hold an enquiry and ascertain the veracity of the claim made by the petitioner alleging misappropriation and embezzlement of money.

6. Pursuant to the said direction, a reply/affidavit was filed by the Deputy Commissioner, Rohtak dated 11.11.2019, on the strength that an enquiry dated 05.11.2019 was conducted by the Chief Executive Officer, Rohtak. It was averred in the said reply that there is a *prima facie* case of the committee members having misappropriated the record pertaining to lease. Eventually, the Deputy Commissioner, Rohtak, in his reply dated 13.03.2020 submitted that action has been taken against the concerned persons.

7. However, this Court noticed that the enquiry had been

conducted by the Chief Executive Officer and that the said enquiry was not in accordance with the order passed by this Court directing the Deputy Commissioner to conduct an enquiry whereupon a report was filed by the Deputy Commissioner after conducting the enquiry noticing that the officials had mis-conducted themselves and it was specifically stated that the concerned Sarpanch and Gram Sachiv have already been suspended and an order has also been passed to lodge an FIR against them.

8. Hence, the above said FIR No.79 dated 14.03.2020 at Police Station Rohtak Sadar came into existence. Since action had been taken by the respondent authorities after noticing that there was an illegality committed in the auction of the village pond and misappropriation/embezzlement of funds by the accused persons, the said petition was disposed of by Hon'ble Division Bench of this Court as having been rendered infructuous.

9. He contends that after the above said writ petition has been disposed of, respondent No.5-the District Development and Panchayat Officer, Rohtak is now passing orders so as to impede fair and impartial investigation into the matter and to retrack on the assurance given before this Court for a fair and impartial investigation.

10. Since the issue in question was originally being examined by the Hon'ble Division Bench of this Court and the said petition was disposed of as having been rendered infructuous in view of the assurances/replies filed by the respondent-State, hence, any attempt to derail the proceedings and/or any assurance given to the Hon'ble Division Bench of this Court,

cannot be re-agitated by means of filing a separate writ petition.

11. Counsel for the petitioner thus seeks withdrawal of the present writ petition so as to move an appropriate application before the concerned Court for examining the issue and to pass such appropriate orders as the Hon’ble Division Bench may deem fit and proper.

12. Disposed of as withdrawn with liberty as aforesaid.

01.02.2024

Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No