



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP-12553-2024 (O&M)
Date of decision: 27.05.2024

Pawan Kumar

...Petitioner

VERSUS

State of Punjab and others

...Respondents

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

Present :- Mr. Ashish Soi, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to furnish the status report with regard to the measures taken upon the representation of the petitioner. A further prayer is for directing the respondents that the inquiry being conducted by the revenue authorities be not carried out any further as it would involve the issue of ownership and possession on the basis of the documents.

2. Learned counsel for the petitioner contends that the revenue authorities have commenced an inquiry in relation to sale deed bearing *Wasika* No.1335 dated 16.04.1996 as per intimation received by the petitioner vide letter No.134-137 dated 10.04.2024 (Annexure P-1). He contends that the action of the respondents in conducting the inquiry would have a cascading effect on the civil rights of the petitioner.



3. I have heard the learned counsel appearing on behalf of the petitioner and have gone through the documents appended with the present petition.

4. It is reflected that one Smt. Naresh Mahajan wife of Late Sh. Sita Ram Mahajan, had submitted a complaint against the petitioner regarding the genuinity of the title document presented by the petitioner with respect to the property. The complainant is a resident of Canada and she has moved another application to conduct inquiry pointing out various shortcomings and defects.

5. Learned counsel for the petitioner contends that the respondent-authorities are not conferred upon with the jurisdiction of a Civil Court so as to rule about the validity of the documents and that the said authorities are also not likely to take into consideration the relevant documents which have already been adduced by the petitioner.

6. I am of the view that such an apprehension expressed by the petitioner is misplaced. Whenever a defence is taken on the basis of documents and the same are relied upon before the authorities in support of his case, any administrative/judicial/quasi-judicial authority is expected to take the same into consideration and pass its final order after considering the adduced documents thereof. There can be no presumption of law that the documents furnished before an authority would not be considered at all and a report shall be filed. Besides, the petitioner has not expressed any apprehension of malice against the officials looking into the complaint,



hence, there is no reason for this Court even to assume as to why any victimization or a colourable exercise of partiality will be undertaken by the inquiry officer.

7. Faced with the above, learned counsel for the petitioner seeks withdrawal of the instant petition so as to pursue his defence/remedies before the said authorities.

8. Disposed of as withdrawn with the liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

27.05.2024
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No