

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

208

CWP-4962-2017 (O&M)

Date of decision: 08.01.2024

Ishwar Chand

...Petitioner

VERSUS

State of Haryana and others

...Respondents

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

Present :- Ms. Renu Bala, Advocate for  
Mr. Vivek Goyal, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana  
for respondent Nos.1 to 5.

Mr. Rajesh Gaur, Advocate for respondent No.6.

\*\*\*\*\*

**VINOD S. BHARDWAJ, J. (Oral)**

Prayer in the present petition is for issuance of directions to the respondent authorities to take appropriate action against the employees/office bearers of the Municipal Council, Thanesar, Kurukshetra for submission of false, tempered documents in the Court proceedings and further for issuance of directions to the respondents to take action on the representation submitted by the petitioner as well as the report dated 02.02.2017 (Annexure P-9).

In compliance of order dated 28.08.2023, written statement on behalf of respondent-State has been filed today in the Court and copy thereof have also been furnished to the learned counsel for the petitioner. A photocopy of receipt against payment of costs of Rs.10,000/- has also been filed.

Learned counsel appearing on behalf of the petitioner contends that the petitioner had filed a civil suit against the Municipal Council, Thanesar for grant of permanent injunction and restraining them from interfering in his peaceful possession of the property situated at *Kacha Gher*, Thanesar, Kurukshetra. During the said Court proceedings, the officials/office bearers of the Municipal Council, Thanesar exhibited a document Ex.D/1 on 10.02.2001 wherein it was averred that the said land is a *Rasta Aam* as per their record pertaining to the year 1849. It is alleged that while relying on the above said fraudulent document exhibited by the officials/office bearers of the Municipal Council, Thanesar, the Court failed to consider the fact that the Municipal Council, Thanesar came into existence only in the year 1867 and as such there could be no record of the Municipal Council, Thanesar for the year 1849. There was thus an attempt to mislead the Court on the strength of false documents and to cause prejudice to the petitioner.

After coming to know about the said fraud played by the employees/officials of the Municipal Council, Thanesar, the petitioner preferred a complaint to the authorities against which a reply was submitted by the officials/office bearers of the Municipal Council, Thanesar to the office of the Deputy Commissioner, Kurukshetra. In their own reply, it was averred that the Municipal Council, Thanesar has not submitted any record for the year 1849 in the Court while in the other reply it was submitted that the Municipal Council, Thanesar was not in existence in the year 1849. Reliance was thus placed on both the said replies to contend that the

officials/office bearers of the Municipal Council, Thanesar fraudulently prepared false documents and got the same exhibited in the Court proceedings. Similarly, another document (Ex. DW/2) bearing receipt No. 17 at Sr. No. 1752 was also exhibited by the officials/office bearers of the Municipal Council, Thanesar to prove that it was issued to the petitioner for *Tehbazari* for the land in question whereas the said *Tehbazari* receipt did not relate to the petitioner and was of some other Ishwar Chand. Complaints in this regard had also been filed by the petitioner to the authorities for taking action against the employees who were involved in said fault.

The Sub-Divisional Officer, Kurukshetra, submitted his report dated 02.02.2017 to the Deputy Commissioner, Kurukshetra, wherein it was reported that the receipt No. 17 at Sr. No. 1752 (Ex. DW/2) was wrongly attached with the case of the petitioner and that the property register of the year 1849 is wrongly shown to be of Municipal Council, Thanesar, whereas the Council had come into existence only in the year 1867. A prayer was thus made for taking appropriate action against the erring officials.

Reply on behalf of respondent Nos.1 to 4 had been filed by respondent No.4. The relevant paras of the same read as under:

*“1. That brief facts of the present case are that the then (1993) E.O. Sh. M.S. Jagat and Sh. Ranbir Singh Clerk and other concerned staff had submitted a receipt of Rs 173/- with regard of license fee of the complainant/ petitioner shop in the case No.448 of 1996 and 37 of 2013 as tehbazari receipt which belonged to someone other Ishwar Chand. The above stated persons also submitted an immovable property register bearing year 1849 in the above said case, whereas as per the*

*complainant the M.C. Thanesar came into existence in year 1867. The complainant had alleged in the complaint that they have also entered the name of Ex-Vice President Sh. Jai Narayan Sharma in the House Tax Register of 1991-92 without any proof. The petitioner also alleged that E.O. M.S. Jagat has issued two letters bearing the same no. and date i.e. MCT/HT/2338 dated MCT/HT/2337 (CM Window) dated 05.01.2015. The complainant had stated that his shop having No.569/10 Kachha Gher has been continuously in the name of his ancestors in the name of Ishwar Chand son of Rattan Lal (petitioner) but they have produced the tehbajari receipt regarding license fee of the shop in the name of petitioner, which is a saw machine for furniture shop and produced in the case of petitioner. The petitioner filed complaint before the Hon'ble Lokayukt Haryana. The Hon'ble Lokayukta had required to the Director General, Urban Local Bodies to enquire the matter and furnish report within 45 days vide his letter dated 15.10.2015. The matter was enquired and during enquiry the entry was found frivolous and receipt also does not belong to complainant.*

*According to a rejoinder submitted by MC Thanesar, MC office has admitted that in fact the disputed property is not of MC but is of petitioner but petitioner admitted that his civil suit and appeal RSA filed for claiming the ownership have been dismissed by Hon'ble High Court in case RSA No.2851 of 2003 on dated 08.07 2009. Notice was issued by the Hon'ble Lokayukta to the ACS, ULB Haryana with the document filed by petitioner and judgment passed by the Hon'ble High Court. Status report had been field by the department. The petitioner had filed civil Suit bearing no.448 of 1996 in the Court of Civil Judge (J.D.) Kurukshetra on behalf of the sale deed dated 17.07.1970. The Hon'ble Court vide its judgment dated 19.11*

*2001 dismissed the suit of petitioner holding that he is not owner of the property. The first appeal as well as Regular Second Appeal preferred by the complainant were dismissed by the appellate Court as well as by the Hon'ble High Court of Punjab and Haryana. Agitating the same complaint the complainant has filed another suit bearing Civil Suit No.2688 of 2013 (Date of Institution 11.05.2018, date of Decision 25.11.2014 based on the same sale deed. The case has been dismissed by Civil Judge (Junior Division) Kurukshetra. Since the decree has been passed on the basis of forged documents and fraud has now been established. Hence, present Civil Writ Petition No.4962 of 2017 regarding this matter is filed and same is pending before this Hon'ble High Court. The petitioner claims that MC officials has produced forged documents in the Hon'ble High Court. The complainant claims that MC officials has produced forged documents in the Hon'ble Court. During enquiry it has come that the petitioner wants to grab the land of M.C Thanesar by putting pressure upon the answering respondent and also upon other respondents as mentioned in the present petition but in actual the answering respondent/ deponent already written to the Director, Urban Local Bodies to take the appropriate action against delinquent officers of MC Thanesar, District Kurukshetra. Copy of letter memo no. 9652 LFA/dated 27/02/2017 is Annexure R-1.*

*2. That as per office orders of answering respondent/ deponent the M.C. Thanesar had enquired the matter and found that allegations leveled by the petitioner were found false as complaint filed by the petitioner already filed but the petitioner is habitual of filing false complaints and petitions before the Hon'ble Court and now he has filed the present petition before*

*this Hon'ble Court on false grounds and same is liable to be dismissed qua the answering respondent with special costs.*

*3. That the present petitioner has filed civil Suit before the learned Civil Court at Kurukshetra and same was dismissed vide order dated 19.11.2001. After that he has filled one complaint before the Hon'ble Lokayukat Haryana and same was also dismissed vide order dated 08.07.2019 but inspite of that he is habitual of filing the complaints as well as petition before the Hon'ble Court on false grounds because he wants to encroach upon the land of respondent no 6 by filing false complaints and petition before the Hon'ble Court, hence petition of the petitioner is liable to be dismissed with special costs.*

*4. That the other respondents except present respondent/deponent already filed reply before this Hon'ble Court in the present petition and contents of the same may please be read as present reply and petition of the petitioner is based on totally false and concocted story and same is liable to be dismissed.*

*5. That in compliance of order dated 08/07/2019 passed by Ld. Lokayukat, The SIT was constituted vide order dated 31/12/2019 by Additional, Director General of Police, CID, Haryana and report of SIT from Superintendent of Police, Kurukshetra is still awaited. (Annexure R-2).*

*xxx''*

It is evident from a perusal of the same that the petitioner had also filed a complaint before the Lokayukta Haryana wherein Director General, Urban Local Bodies was directed to enquire and to furnish report

within a period of 45 days vide letter dated 15.10.2015. The matter was enquired into and the entry was found to be frivolous and the receipt also did not relate to the complainant (the petitioner). Hence, the Municipal Council, Thanesar filed a rejoinder and admitted before the Court that the property does not belong to it but is that of the petitioner.

It is contended that notwithstanding the above said rejoinder filed on behalf of Municipal Council, Thanesar, the Civil Suit; the appeal as well as RSA filed by the petitioner for claiming the ownership over the said land have been dismissed and the same has become final vide judgment dated 08.07.2009 passed in RSA-2851-2003. It is further contended that the complainant had also filed another civil suit bearing No.2688 of 2013 based on the same sale deed, however, the said civil suit had also been dismissed by the Civil Judge (Jr. Divn.) Kurukshetra. The documents have already been examined by the Civil Court and no prejudice has occasioned to the petitioner on account of filing of the said documents. The present writ petition has been filed only to harass the officials and to grab the land of Municipal Council, Thanesar. It is also contended that the complaint filed before the Lokayukt was also dismissed subsequently vide order dated 08.07.2019 and the said order has also attained finality. It is further averred that notwithstanding the same, the SIT was also constituted by the Additional Director General of Police, CID, Haryana vide order dated 31.12.2019, however, the report of the SIT is still awaited.

A separate short reply has also been filed on behalf of respondent No.6 wherein the aforesaid facts have been reiterated. It has been

further submitted that the issue in question cannot be agitated before this Court once the petitioner has already taken recourse to and has exhausted his remedies before the Civil Courts as well as the Lokayukta.

Learned State counsel, on being confronted about the status of the pending enquiry with the SIT since 2019 contends that he would have no objection in case the SIT is directed to conclude the pending enquiry in a time bound manner and that in any case, they shall conclude the same within a period of 04 months from today.

I have heard the learned counsel for the parties and gone through the documents attached with the present writ petition.

The issue as regards the alleged documents that had been exhibited during the course of proceedings before the Civil Court has already been dealt with by the concerned Civil Courts as well as the Appellate Forums. The remedy against filing of wrong documents lies only before the Civil Court. Besides, the petitioner had all opportunity to rebut the evidence as well and could duly establish his case through cross-examination as well as rebuttal evidence. The petitioner could have also defended himself by leading additional evidence, thus, numerous opportunities were available with the petitioner. Even otherwise, the Municipal Council, Thanesar had itself rectified itself in the rejoinder filed before the Civil Court. Thus, it narrated the correct facts in the proceedings. The petitioner however lost the civil proceedings upto the High Court The allegations against employees have also been enquired by the Director, General, Urban Local Bodies and a complaint was also filed before

Lokayukta Haryana. Further the SIT is already enquiring into the matter, therefore, there is no necessity for issuance of any further direction.

Any such direction would only cause multiplicity of the issue which has been looked into against the employees by various Courts/authorities and no action was proposed against them. Institution of multiple proceedings is by itself an act of incarceration especially when the earlier proceedings have attained finality and are not a subject matter of challenge in the present case as well. So much so, the petitioner concealed the above facts and has not disclosed them, which is clearly an attempt to initiate proceedings against the officials by non-disclosure. The present petition is dismissed in so far as issuance of any further direction is concerned.

Directions are, however, issued to the respondent-State to ensure that the pending enquiry with the SIT, which has already been initiated in terms of order dated 31.12.2019 passed by the Additional Director General of Police, CID, Haryana is concluded expeditiously and preferably within a period of 04 months from the date of receipt of certified copy of this order. The writ petition is accordingly disposed of in above terms.

Compliance report be also filed.

(VINOD S. BHARDWAJ)  
JUDGE

08.01.2024  
Mangal Singh

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