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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16775/2024 & CM APPL. 70977/2024**

SHAILENDRA KUMAR SINHA

.....Petitioner

Through: *Appearance not given.*

versus

DEPARMENT OF POST & ANR.

.....Respondents

Through: Mr. Rajesh Kumar, SPC with Mr. Rahul Kumar Sharma and Mr. Yash Narain, Advocates and Mr. Shivang Kumar, GP for UOI.
Mr. Ravinder Agarwal, Mr. Lekh Raj Singh and Mr. Manish Kumar Singh, Advocates for R-2/ CVC.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

04.12.2024

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1. The Petitioner has filed the instant petition, being aggrieved by the alleged inaction of the Respondents in initiating an enquiry in respect of Complaint No. 112340/2018/Vigilance-2 dated 28th September, 2018 filed by the Petitioner. Accordingly, he seeks a direction to quash the communication dated 23rd May, 2022, whereby in response to an RTI application submitted by Petitioner, the Department of Post/ Respondent No.1 has opined that they do not have the jurisdiction to take any action on the Petitioner's complaint.
2. In order to understand the nature of the complaint made by Petitioner, it is imperative to take note of certain facts.



3. The Petitioner has asserted that his deceased father, Late Sh. Hari Prasan Srivastava, was the owner of Hari Sadan, Station Road, Badaun, Uttar Pradesh. The father of the Petitioner deceased on 28th October, 1968, leaving behind his wife and ten children. Subsequently, the mother of the Petitioner also deceased on 08th April, 1996. In the year 2016, the Superintendent of Post Master, Badaun, took the aforesaid property on lease from one of the legal heirs of Late Sh. Hari Prasan Srivastava, without taking No Objection Certificates from other legal heirs of the property, including the Petitioner. In this regard, a complaint was made to the Chairman, Central Vigilance Commission/ Respondent No. 2 on 19th November, 2018. Subsequently, the said complaint was transferred to the Department of Post. The complaint has now been rejected as intimated through the impugned communication dated 23rd May, 2022, the translated copy whereof, annexed with the petition, reads as follows:

“Sir,

In reference to your application, it is to be informed that the lease deed of the building of Sub Post Office Station Road, Badaun was done by Shri Rashu Sinha Vidya Madan Civil Line, Mal Godown Road, Badaun. He has informed

- 1. That the above property in which the post office is currently being run was purchased by the applicant's father Late Shri Hari Prasan Srivastava on 02.01.1951 in an auction from the Municipal Council for only Rs. 80/-. Against which a loan was taken by Late Shri Hari Prasan Srivastava from UP Cooperative Bank Ltd. The full payment of the above loan was made by the applicant in June 2014, many years after the death of Late Shri Hari Prasan Srivastava.*
- 2. That in respect of the said property in which the Post Office is presently being run, a civil suit is pending in the honourable court of Civil Judge (CD) Badaun, case number 422/15 in the name of Rajendra Prasan Sinha vs Gyanendra Prasan Sinha. Due to which the jurisdictional officer does not have the jurisdiction to take any action on the basis of any fake complaint in the above disputed property. Only the civil court has the jurisdiction to take any action in respect of the above disputed property.*



If you are not satisfied with the above reply, then you can appeal to the Appellate Officer, Director Postal Services, Bareilly Zone, Bareilly.”

4. The aforementioned communication clearly indicates that presently, civil proceedings are ongoing between the legal heirs of Late Sh. Hari Prasan Srivastava, in respect of the subject property. In light of the same, in the opinion of the Court, the view taken by Respondents that they do have the jurisdiction to take action on the allegations made by Petitioner, is absolutely reasonable, and the Court finds no arbitrariness in the said decision.

5. Additionally, it must also be noted that Counsel for the Respondent had raised an objection regarding the maintainability of the petition on the ground of territorial jurisdiction. However, considering the nature of the controversy, the Court has examined the matter and finds no merit in the petition.

6. Accordingly, the petition is dismissed, along with pending application.

SANJEEV NARULA, J

DECEMBER 4, 2024

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