

2025:PHHC:002292-DB



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

**CWP-PIL-38-2022 (O&M)
Date of decision: 09.01.2025**

Krishan Lal Gera

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SUDHIR SINGH**

Present: Mr. Rajwant Singh Chahal, Advocate,
for the petitioner.

Mr. Deepak Balyan, Addl. A.G., Haryana.

SHEEL NAGU, C.J. (ORAL)

This petition has been filed as a Public Interest Litigation, seeking for conducting an enquiry into the mischief of Municipal Authorities, Faridabad, in connivance with the private contractor in the process of making civil constructions.

2. After taking cognizance of this matter by this Court, the State of Haryana has filed a status report dated 28.08.2024. Para nos.8 and 9 of the status report reads as under:-

“8. That in the para no.18 of the petition, the petitioner has mentioned that there are specific instances where contingencies/bogus bills and payments were made without there being any work or sub-standard work performed by the contractor under the nose of the erring officers. It is to mention here that an Enquiry No.6/19 Faridabad was registered against the officers/officials of the Municipal Corporation, Faridabad, who committed the offence in connivance with the contractor Satbir and

thereafter, Case FIR No.11 dated 24.03.2022, under Sections 166/167/201/218/406/409/120-B IPC and Section 13 (1) (d) r/w 13 (2) P.C. Act and Case FIR No.23 dated 15.07.2022, under Sections 166, 167, 201, 218, 120-B IPC and Section 13 (1) (c) & (D) r/w 13 (2) P.C. Act was registered in P.S. State Vigilance Bureau, Faridabad now Anti Corruption Bureau and the same is pending under investigation and few charge sheets are under progress.

9. That the Enquiry Officer of Anti Corruption Bureau, Faridabad is repeatedly making correspondence with the office of the Commissioner, Municipal Corporation, Faridabad since 2022, but they are neither providing the record pertaining to the allegations as raised by the petitioner including the Measurement Book, which is the material record for conducting the Enquiry further nor co-operating the answering respondent. The detail of the correspondence with MCF is as under:-

1. *Memo No.481/SVB dated 15.03.2022*
2. *Memo No.601/SVB dated 28.03.2022*
3. *Memo No.3277/SVB dated 23.12.2022*
4. *Memo No.1741/SVB dated 12.07.2023*
5. *Memo No.3068/SVB dated 22.08.2023*
6. *Memo No.1292/ACB dated 22.04.2024*
7. *Memo No.2384/ACB dated 13.08.2024*

It is pertinent to mention here that the Enquiry Officer had personally met with Joint Commissioner, Ballabgarh on 09.08.2024, Joint Commissioner NIT on 13.08.2024, Joint Commissioner Old Faridabad on 14.08.2024 and Chief Engineer MCF on 07.08.2024 and 13.08.2024 for providing whole of the record along with the Measurement Book, so that Enquiry in question be completed at the earliest possible.”

3. From the aforesaid response of the State of Haryana, it is obvious that initially two FIRs (i.e. FIR No.11 dated 24.03.2022 and FIR No.23 dated 15.07.2022) were registered against the officers/officials of the Municipal Corporation, Faridabad and the contractor, but subsequently, the investigation appears to be

pending due to non cooperation on the part of the Municipal Authorities to provide necessary data to the investigating agencies.

4. This Court, in the backdrop of the response submitted by the State of Haryana, disposes of this petition with the following directions:-

(i) The Commissioner, Municipal Corporation, Faridabad, is directed to supply the necessary information/material to assist the State Vigilance Bureau, Faridabad, now Anti Corruption Bureau, to conduct and conclude the investigation in accordance with law, as expeditiously as possible.

(ii) Let the aforesaid material be supplied within a period of 30 days, whereafter the investigating agencies are directed to conclude the investigation expeditiously.

5. The petition, accordingly, stands disposed of.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SUDHIR SINGH)
JUDGE**

09.01.2025

Ajay Prasher

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