

Devendra Kumar Haldkar Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-30-2013

Appellant : Devendra Kumar Haldkar

Respondent : The State of Madhya Pradesh

Advocate for Pet/Ap. : Shri. Sanjay Jain

Judgement :

Writ Petition No.1848/09 30.09.2013 Shri Sanjay Jain, learned counsel for the petitioner.

Shri Ashok Chourasia, learned Govt.

Adv.for the State/respondents no.1 & 2 on advance notice.

Heard on the question of admission.

The petitioner has filed this petition under Article 226 of the Constitution of India for issuing the appropriate writ for the following reliefs:- (i) That the Honble Court may please to call the record from respondents No.1 & 2 as mentioned in Annexure-P-1 and after perusal of record set aside the order passed by respondent no.1 on 10.6.2008.

(ii) That the Honble Court issue a writ of Mandamus against the respondent no.1 to send the matter to the police for registering the offence against the respondents

no.3 & 4 within a stipulated time.

(iii) The Honble Court alternatively direct the respondent no.1 to consider the complaint send by Additional Commissioner and enquire himself and send the matter to police for registering the offence as per law against the respondents no.3 & 4. Having heard the counsel, keeping in view his arguments, after perusing the impugned order Annexure-P-1 passed by the Joint Collector Seoni, in file No.98/2007, so also the order dated 14.7.2008 passed by the co-ordinate Bench of this Court in writ petition No.8096/2008 (Annexure-P-2) directing the authorities of the respondents to examine the matter and take a decision within two months, in the available circumstances, the respondent no.1/Collector is directed to re-examine and re-consider the complaint of the petitioner (Annexure-P-5) and decide afresh with speaking manner without influencing from any observations or the findings given by the Joint Collector in the impugned order (Annexure-P-1).Such exercise be carried out within 45 days from the date of filing the certified copy of this order along with the copy of the petition with annexures by the petitioner in the Court of Collector Seoni.

It is also observed that the respondent no.1/Collector shall be at liberty to get enquire the aforesaid from any competent Officer of the District not below the rank of Additional Collector or Joint Collector.

Such authority is further directed that on such consideration, if any of the offending act of any person is found, then the appropriate order against such person for taking the appropriate steps be also passed in the matter.

Certified copy as per rules.

(U.C.Maheshwari) Judge Pb

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