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

+ **W.P.(C) 16025/2022**

SHRI JAI KISHAN SHARMA (EX-COUNCILLOR)..... Petitioner

Through: Mr. R.S. Tomar, Mr. S.S. Panwar,
Mr. Rahul Kadyan, Ms. Nividita
Panwar, Mr. Ravi Panwar, Mr. M.K.
Saini and Mr. Rajendra Kr. Kamti,
Advocates.

versus

L.G. OF DELHI & ORS.

..... Respondents

Through: Mr Mohd. Irsad, ASC, GNCTD with
Ms Nasreen and Mr Kumud Ranjan
Mishra, Advocates with Inspector
Ajay Kumar, SHO, PS Najafgarh and
Inspector Arun Dagar, DIU/Dwarka
District.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MR. JUSTICE SUDHIR KUMAR JAIN

ORDER

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18.04.2023

The hearing has been conducted through hybrid mode (physical and virtual hearing).

CM APPL. 50004/2022 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed-off.

W.P.(C) 16025/2022 & CM APPLs. 50003/2022 & CM APPL. 9256/2023

3. Issue notice. Notice is accepted by the learned counsel named above for the respondents. Reply be filed within four weeks. Rejoinder thereto, if



any, be filed before the next date.

4. The learned counsel for the petitioner submits that despite the Assistant Director (Investigation) submitting a report on 08.10.2013 to the effect that; the immovable properties listed in the complaint, were acquired by the petitioner/his family members between the years 1983 to 1995, i.e. the period when the petitioner was not yet a Municipal Councillor-a“public functionary”, the impugned order recommending registration of an FIR and further investigation is erroneous and without basis because the complaint would lie only against the “misuse of office” for illegitimate monetary gains. The petitioner became a Municipal Councillor in the year 1997 and continued so till 2012; the listed transactions were completed about two years prior to his assuming public office. Indeed, the acquisition of assets covered a period more than a decade and a half prior to his becoming a Municipal Councillor, therefore the same could not be the subject matter of a complaint before the Lokayukt. The petitioner submits that all the assets listed in the complaint had been disclosed by him in 1997 by way of an affidavit, when he contested for being elected as a Municipal Councillor.
5. What emanates from the above is that all transactions were completed two years prior to the petitioner’s assuming public office. That being the position, there was no public office the petitioner held at the relevant time which he could have misused. Therefore, any inquiry into the same at this stage would not be merited in terms of the impugned directions.
6. In view of the above, the impugned order dated 04.08.2022 passed by the Lokayukt, Delhi shall remain stayed till the next date.



7. Renotify on 11.09.2023.

NAJMI WAZIRI, J

SUDHIR KUMAR JAIN, J

APRIL 18, 2023/rd