

**THE HIGH COURT OF MADHYA PRADESH**

W.P.18191/2019

*(Gyan Singh Vs. State of M.P. & Ors.)***Gwalior, Dated : 5-11-2019**

Shri C.P.Singh, counsel for the petitioner.

Shri P.S.Raghuwanshi, Govt. Advocate for the respondents/State.

This petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

- "i) The impugned order dated 15.1.2019 annexure-P-1 may kindly be quashed as the same is against the interest of petitioner and overriding the legal provisions of Adhinyam 2018;
- ii) The Government kindly be permanently prevented not to interfere in the Samman Nidhi or honour money which the petitioner was receiving, in the future without compliance of principles of natural justice and legal procedure as contemplated under the Adhinyam 2018;
- iii) The petitioner may be allowed to receive Samman Nidhi or honour money continuously till their existence which has given by the enactment.
- iv) The physical verification of the petitioner has been completed despite this release of due Samman Nidhi with arrears has not been made to the petitioner;
- v) Any other relief which this Hon'ble Court deem fit in the facts and circumstances of the case may kindly be granted to the petitioner. "

2. The necessary facts for the disposal of the present petition, in short, are that on 26.3.2012 the petitioner filed an application for grant of honour money under the provisions of Lok Nayak Jai Prakash Narayan (MISA/ DIR Rajnaitik Ya Samajik Karno Se Nirudh Vyakti) Samman Nidhi Niyam, 2008 (in short "the Rules 2008") claiming that he remained in Central Jail, Gwalior, from

24<sup>th</sup> January, 1976 to 3<sup>rd</sup> March, 1976 in the capacity of DIR prisoner, however, the petitioner is not in possession of the detention certificate/record and no certificate granted by the Jail Superintendent, Central Jail, Gwalior, is available with the petitioner. However, the petitioner submitted an application along with affidavit of two persons, namely Devi Singh Suryawanshi and Suryabhan Singh Jadaun, who claimed that they had remained in detention during emergency period from July, 1975 and 13<sup>th</sup> March, 1977 and the petitioner was also detained along with them. It appears that on the basis of the application/affidavit as of the petitioner as well as affidavits of two beneficiaries of the honour money, the office of the Accountant General (A& E) II MP Gwalior issued pension payment order on 14.9.2012 directing for payment of Rs.10,000/- per month w.e.f. 17.8.2012. It appears that the petitioner was receiving the honour money without any interruption, however, by order dated 15.1.2019, Annexure P/1, the General Administration Department, withheld the honour money by passing the following order:-

“मध्यप्रदेश शासन  
सामान्य प्रशासन विभाग  
मंत्रालय वल्लभ भवन, भोपाल – 462004

क्रमांक: 34/516/2018/1/13 भोपाल, दिनांक 15.01.2019

प्रति,

समस्त आयुक्त,  
समस्त कलेक्टर,  
मध्यप्रदेश।

विषय:—लोकतंत्र सेनानियों का सत्यापन एवं उन्हें दी जाने वाली

सम्मान निधि के भुगतान की प्रक्रिया का पुननिर्धारण बाबत् ।

संदर्भ:—इस विभाग का पत्र क्रमांक 592/2018/1/13 दिनांक 29.12.2018

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कृपया विषयांतर्गत संदर्भित पत्र का कृपया अवलोकन करें।

2. संदर्भित पत्र के द्वारा लोकतंत्र सेनानियों के भौतिक सत्यापन की आवश्यकता प्रतिपादित की गई थी।

3. अतः राज्य शासन द्वारा निर्णय लिया गया है कि लोकतंत्र सेनानियों एवं दिवंगत लोकतंत्र सेनानियों के आश्रित पत्नी/पति का भौतिक सत्यापन की कार्यवाही स्थल पर जाकर कराई जाए। यह कार्यवाही राजस्व निरीक्षक से अनिम्न स्तर के कर्मचारी से करायी जाए।

4. उक्त सत्यापन के दौरान स्थानीय व्यक्तियों से पूछताछ की जाए। सत्यापन उपरांत पात्र लोकतंत्र सेनानियों/उनके आश्रितों को सम्मान निधि राशि के वितरण की कार्यवाही की जाए।

(धरर्णेन्द कुमार जैन)

उप सचिव

मध्यप्रदेश शासन

सामान्य प्रशासन विभाग”

3. At this stage, it is submitted by Shri Singh that in fact the earlier counsel who had filed the petition has not annexed the correct order and has filed a wrong order dated 15.1.2019 and has wrongly prayed for quashment of the said order, but in fact correct order is order dated 29.12.2018. Although Shri Singh has accepted the brief on behalf of the petitioner, but he did not choose to file an application for amendment of the writ petition by filing and challenging the said order. However, in the interest of justice, the order dated 29.12.2018 is taken on record as provided by Shri Singh. The order dated 29.12.2018 reads as under:-

“मध्यप्रदेश शासन  
सामान्य प्रशासन विभाग

मंत्रालय  
वल्लभ भवन, भोपाल — 462004

क्रमांक: 591 / 2018 / 1 / 1 भोपाल, दिनांक 29.12.2018

प्रति,

समस्त आयुक्त,  
समस्त कलेक्टर,  
मध्यप्रदेश।

विषय: लोकतंत्र सेनानियों का सत्यापन एवं उन्हें दी जाने वाली सम्मान निधि के भुगतान की प्रक्रिया का पुननिर्धारण बाबत।

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विगत वित्तीय वर्षों में प्रदेश में लोकतंत्र सेनानी सम्मान निधि के भुगतान में बजट प्रावधान से अधिक व्यय की स्थितियां महालेखाकार के लेखा परीक्षण प्रतिवेदनों के माध्यम से संज्ञान में आई हैं। बजट प्रावधान से अधिक व्यय के लिए लोक लेखा समिति के समक्ष विभाग को स्थिति स्पष्ट करने में कठिनाई आती है, साथ ही लोक लेखा समिति की अनुसंशा पर बजट से अधिक व्यय की राशि के नियमन के लिए विधानसभा में पुनः विधेयक प्रस्तुत करने की आवश्यकता हो जाती है।

2. उपरोक्त स्थिति की पुनरावृत्ति न हो, को दृष्टिगत रखते हुए लोकतंत्र सेनानी सम्मान निधि भुगतान की वर्तमान प्रक्रिया को ओर अधिक सटीक, पारदर्शी बनाया जाना आवश्यक है, साथ ही लोकतंत्र सैनिकों का भौतिक सत्यापन कराया जाना भी आवश्यक है। इस हेतु पृथक से विस्तृत दिशा निर्देश प्रेषित किए जाएंगे।

3. उपर्युक्त के परिपेक्ष्य में निर्देशानुसार अनुरोध है कि आगामी माह से लोकतंत्र सेनानी सम्मान निधि राशि का वितरण उपरोक्तानुसार कार्यवाही होने के पश्चात किया जाए। इस हेतु जिला कोषालय एवं लोकतंत्र सेनानी सम्मान निधि वितरण करने वाली सभी संबंधित बैंक शाखाओं को तत्काल अपने स्तर से निर्देशित करने का कष्ट करें।

(धरर्णन्द कुमार जैन)

उप सचिव

मध्यप्रदेश शासन  
सामान्य प्रशासन विभाग  
निरंतर.....

प्रतिलिपि:

1. प्रमुख सचिव, मध्यप्रदेश शासन, वित्त विभाग।
2. आयुक्त कोष एवं लेखा, पर्यावास भवन, भोपाल।
3. संचालक पेंशन, पर्यावास भवन, भोपाल।
4. महाप्रबंधक, भारतीय रिजर्व बैंक होशंगाबाद रोड, भोपाल।
5. आंचलिक बैंक, ऑफ इण्डिया परिचालक विभाग, जेल रोड, अरेरा हिल्स, भोपाल।
6. महाप्रबंधक, स्टेट बैंक आफ इण्डिया, स्थानीय, मुख्य कार्यालय होशंगाबाद रोड, भोपाल।

की ओर सूचनार्थ एवं उपरोक्तानुसार अनुगामी निर्देश जारी करते हुए आवश्यक कार्यवाही सुनिश्चित करें।

उप सचिव  
मध्यप्रदेश शासन  
सामान्य प्रशासन विभाग"

4. It is submitted by the counsel for the petitioner that since the honour money is being paid to the petitioner by virtue of the Rules, 2008, therefore, the respondents by issuing an executive order cannot withheld or withdraw the honour money which has been sanctioned in favour of the petitioner. It is further submitted that since the honour money has been sanctioned in favour of the petitioner, therefore, it has to be presumed that petitioner had remained in detention during the emergency period and thus the same cannot be withheld unless and until it is found that petitioner was wrongly granted honour money. It is further submitted that the Rules 2008 were amended in the year 2012 and a provision was inserted that in case if the record of jail, police, police Station and District Magistrate with regard to the detention during the emergency period is not available, then affidavit given by those two detenuess who had remained in jail, can be accepted and the

applicant/aspirant can be granted honour money. It is further submitted that in the year 2016 the Rules, 2008 were further amended and detenues were called as Loktrantra Senani. In the year 2017, the Rules, 2008 were further amended and the amount of honour money was revised. It is further submitted that certain executive instructions have been issued for giving felicitations to Loktantra Senani. However, it is also conceded by the counsel for the petitioner that Madhya Pradesh Loktantra Senani Samman Adhiniyam, 2008 has been promulgated and it received the assent of Governor on 9<sup>th</sup> August, 2018 and it came into existence with effect from the date of its publication in the M.P. Gazette. It is further submitted that it is well established principle of law that any statutory provision cannot be superseded/overruled by issuing any executive instructions, and therefore, the executive instructions dated 29.12.2018 are bad in law and are liable to be quashed on the said ground.

5. It is further submitted that a Coordinate Bench of this Court in case of **Krishna Gandhi vs. State of M.P. and others** reported in **2018(4) M.P.L.J. 405** has held that executive instructions cannot amend or supersede statutory rules or add something therein and orders cannot be issued in contravention of statutory rules for reason that an administrative instruction is not a statutory rule nor does it have any force of law, and therefore, this Court is bound by the proposition of law laid down by the Coordinate

Bench of this Court in case of **Krishna Gandhi** and by placing reliance on the decision of the Supreme Court in case of **Sub-Inspector Rooplal and another vs. Lt. Governor Through Chief Secretary, Delhi and others** reported in **(2000) 1 SCC 644** submitted that a subordinate Court is bound by the precedent of the superior Court, and a Bench in a Court is bound by the precedent of a Coordinate Bench and thus it is submitted that judgment passed by the Coordinate Bench in case of **Krishna Gandhi** is binding on this Court. It is further submitted by the counsel for the petitioner that the decision to grant honour money was taken by Government of a different political party which has been withdrawn by Government of another political party and the decisions of outgoing Government should not be withdrawn in a casual manner. To buttress his contention, counsel for the petitioner has relied upon the judgment of the Supreme Court in case of **State of Haryana vs. State of Punjab and another** reported in **(2002) 2 SCC 507**.

6. Heard learned counsel for the petitioner.

7. At the very beginning of the hearing of the case, this Court had expressed that since the circular dated 29.12.2018 is not a part of the writ petition and the said circular has been passed by the respondents pointing out the need of verification of entitlement of each of the beneficiaries, therefore, instead of giving any judgment on merits, this Court is inclined to direct the respondents to

complete the verification proceedings within a period of three months, however, the said suggestion given by this Court was not accepted by the counsel for the petitioner and he insisted that order dated 29.12.2018 is bad, therefore, it should be quashed and the respondents cannot verify the entitlement of the beneficiaries because such order is contrary to the statutory provisions and it is well established principle of law that executive instructions cannot override the statutory provisions. Under these circumstances, this Court is left with no other option, but to decide the entitlement of the petitioner at this stage only.

**8.** In the year 2008, Rules, 2008 were framed and Rules 4, 6 and 7 read as under:-

"4. मीसा/डी.आई.आर. के अधीन राजनैतिक एवं सामाजिक कारणों से निरूद्ध रहने संबंधी प्रमाण-पत्र, व्यक्ति जहां निरूद्ध रहा हो, यथा-जेल/पुलिस थाना का प्रमाण-पत्र प्रस्तुत करना होगा, जेल की दशा में जेल अधीक्षक तथा पुलिस थाने की दशा में जिला पुलिस अधीक्षक का प्रमाण-पत्र आवेदन के साथ संबंधित जिला मजिस्ट्रेट को प्रस्तुत करना अनिवार्य होगा.

6. इन नियमों के अधीन प्राप्त आवेदनों का परीक्षण कर सम्मान निधि की पात्रता/अपात्रता के संबंध में अनुशंसा जिलास्तर पर निम्न समिति द्वारा की जाएगी:-

(1) जिला के प्रभारी मंत्री	अध्यक्ष
(2) जिला मजिस्ट्रेट	सदस्य सचिव
(3) जिला पुलिस अधीक्षक	सदस्य
(4) जिला जेल अधीक्षक	सदस्य

समिति यह सुनिश्चित करेगी कि सम्मान निधि केवल उन व्यक्तियों को ही प्राप्त हो जो मीसा या डी.आई.आर. कानून के अधीन राजनैतिक या सामाजिक कारणों से निरूद्ध हुए थे तथा उनका तत्समय पुलिस रिकार्ड में कोई पृथकतः आपराधिक/असामाजिक गतिविधियों का इतिहास नहीं था अर्थात् सम्मान निधि देते समय यह ..... जाएगा कि यह निधि मूलतः ऐसे व्यक्तियों को दी जाए जो राजनैतिक या सामाजिक कारणों से मीसा/डी.आई.आर कानून के अधीन निरूद्ध हुए थे तथा वे मूलतः आपराधिक चरित्र के नहीं थे।



7. इन नियमों के अधीन समिति द्वारा की गई अनुशंसा के आधार पर जिला मजिस्ट्रेट द्वारा स्वीकृति/अस्वीकृति आदेश जारी किया जाएगा।”

From the plain reading of Rules 4 and 6, it is clear that only those persons were entitled for grant of honour money who had produced the certificates from the Superintendent of Jail or the Superintendent of Police. However, these rules were later on amended and by amendment No.F 2-1-2008-1-13 dated 4<sup>th</sup> January, 2012, the following provisions were inserted:-

“4.1 “जहाँ जेल, पुलिस, थाना जिला मजिस्ट्रेट का निरुद्धि संबंधी शासकीय रिकार्ड उपलब्ध नहीं है केवल उन्ही प्रकरणों में आवेदक के साथ जेल में निरुद्ध रहे किन्ही दो मीसा/डी. आई.आर. के अधीन राजनैतिक एवं सामाजिक कारणों से निरुद्ध व्यक्तियों के शपथ-पत्र/प्रमाणीकरण को मान्यता दी जाएगी, शपथ-पत्र में प्रमाणीकरणकर्ता द्वारा घोषणा की जावेगी कि वे व्यक्तिगत ज्ञान एवं स्मृति के आधार पर यह प्रमाणीकरण कर रहें है इस प्रमाणीकरण के असत्य होने के वैधानिक परिणामों से वे अवगत है.”

4.2 “यदि जेल में जाने या छूटने का एक रिकार्ड उपलब्ध है और जेल प्रमाणित करता है कि शेष रिकार्ड जेल में उपलब्ध नहीं है ऐसी स्थिति में कम से कम एक माह का निरोध माना जा कर तदनु रूप सम्मान निधि स्वीकृत की जा सकेगी. इन प्रकरणों में निरुद्ध होने की पुष्टि करने हेतु दो अन्य निरुद्ध व्यक्तियों के प्रमाणीकरण की शर्त लागू नहीं होगी”

However, the counsel for the petitioner could not point out any amendment by which the provisions of Rule 6 of the Rules, 2008 were repealed or modified. Thus, after 2012 any person who fulfills the qualification as provided under Rule 4, 4.1 and 4.2 of Rules, 2008 was entitled for receiving the honour money provided his case was scrutinized by the District Level Committee and an order is passed by the District Magistrate. In the writ petition, there is no document or any averment to the effect that the

affidavit/application filed by the petitioner was ever scrutinized by the District Level Scrutiny Committee or any order was passed by the District Magistrate. Earlier counsel for the petitioner had submitted that after the application along with the affidavit is submitted, then it was the duty of the Treasury Officer to suo motu sanction pension. However, after going through the Rules, 2008 it was fairly conceded by the counsel for the petitioner that pension cannot be sanctioned unless and until an order is passed by the District Magistrate on the basis of recommendation of District Level Scrutiny Committee. In the writ petition, no such recommendation of the District Level Scrutiny Committee or the order of the District Magistrate has been placed on record. Only the pension payment order issued by the office of Accountant General (A& E) II MP Gwalior, has been placed on record, in which also there is no reference to the recommendation made by the district level scrutiny committee or the order passed by the District Magistrate. However, in the letter dated 23.10.2012 there is a reference of order dated 26.12.2011 issued by the District Magistrate, Gwalior, therefore, it appears that some order was passed by the District Magistrate for payment of pension but since the order dated 26.12.2011 issued by the District Magistrate, Gwalior, has not been placed on record, therefore, it is not known that whether the said order was passed on the recommendations of District Level Scrutiny Committee. However, the petitioner has

filed affidavits of two persons who claimed that they had remained in detention alongwith the petitioner and they are being paid the pension, but, neither in the affidavit nor in any document filed along with the writ petition there is any reference to the certificate of detention issued by the competent authority. Thus, it appears that *prima facie* petitioner has failed to provide adequate documents to establish that he was rightly awarded the pension and further verification is not required.

9. The next contention of the petitioner is that since the respondents by issuing an executive order cannot amend the statutory provisions, therefore, the letter dated 29.12.2018 is bad in law and thus it is liable to be ignored and the honour money is liable to be restored with immediate effect.

10. Considered the submissions made by the counsel for the petitioner.

11. This Court is of the considered opinion that above-said submission is misconceived for the following reason:-

The Madhya Pradesh Loktantra Senani Samman Adhiniyam, 2018 (in short “the Adhiniyam of 2018”) has been promulgated and came into existence from the date of its publication in the M.P. Gazette and it received the assent of Governor on 9<sup>th</sup> August, 2018. Section 9 of the Adhiniyam of 2018 reads as under:-

“9.(1) The order of sanction of honour money under this Act may be withheld or cancelled on the

following grounds:-

- (a) participation in any crime of moral turpitude and in anti-national activity;
  - (b) punishment in any offence;
  - (c) receiving the honour money despite any ineligibility under the Act;
- (2) On the basis of grounds mentioned in sub-section (1) or any relevant complaint or representation or suo motu information received, the Committee after giving reasonable opportunity of hearing may enquire the case of concerned person whose honour money has been sanctioned. After recommendation of the Committee, the right to cancel order of sanction shall vest with the District Magistrate. The concerned person aggrieved by this order may submit his representation that may be disposed as per provisions of Section 8.
- (3) If any person who received honour money or facilities on the basis of false documents shall be recoverable as arrears of land revenue.

**12.** Thus, it is clear that the order of sanction of honour money may be withheld or cancelled on the grounds mentioned in Section 9(1) of the Adhiniyam of 2018. If the respondents by issuing the letter dated 29.12.2018 have withheld the honour money, then it cannot be said that said executive instruction is de hors the statutory provisions of law or it amounts to amending or superseding any statutory provisions. The respondents are well within their rights to withhold the payment of honour money on the ground that the said honour money was received on submitting the false information and false affidavit or the beneficiary has received the honour money despite ineligibility under the Act, therefore, this Court is of the considered opinion that order dated 29.12.2018 is without the jurisdiction of the respondents and under the provisions of Section 9 of the Adhiniyam of 2018 the

respondents are well within their jurisdiction to withhold the honour money payable to the beneficiaries. Thus, contention of counsel for the petitioner that respondents by issuing an executive order cannot supersede the provisions of law is misconceived, and therefore, it is rejected.

**13.** So far as judgment passed by the Coordinate Bench of this Court relied upon by the counsel for the petitioner is concerned, in view of the fact that respondents are well within their rights to withhold the honour money, therefore, it is held that the proposition of law laid down by the Coordinate Bench of this Court in the case of **Krishna Gandhi (supra)** is not applicable to the facts of the case because by issuing the order dated 29.12.2018 the respondents have neither modified nor superseded or supplemented any statutory provision. Similarly, the judgment in the case of **Sub-Inspector Rooplal and another (supra)** does not require any further consideration.

**14.** The next contention of counsel for the petitioner that although the respondents may be empowered to withhold or withdraw the honour money in exercise of power under Section 9 of the Adhiniyam of 2018, but the same cannot be done unless and until any complaint is made or any representation is made, therefore, issuance of general order dated 29.12.2018 is bad in law and in excess of the powers conferred on the respondents.

**15.** Considered the submissions made by the counsel for the

petitioner.

**16.** Section 9(2) provides that the power under Section 9(1) can be exercised not only on any relevant complaint or representation but can also be exercised “suo motu”. If the order dated 29.12.2018 is tested on the anvil of the provisions under Section 9(2) of the Adhiniyam of 2018, then it is clear that the respondents had disclosed the information, and therefore, the respondents have taken suo motu decision to verify each and every case of the beneficiary because it is specifically mentioned in order dated 29.12.2018 that certain reports from the office of Accountant General have been received and in order to make the provisions of Adhiniyam of 2018 more transparent, therefore, it is necessary to physically verify the entitlement of each Loktantra Senani. Thus, the source of information has been disclosed in order dated 29.12.2018 and therefore if order dated 29.12.2018 is passed under the provisions of Section 9(2) of the Adhiniyam, 2018, then it is held that it is not beyond the jurisdiction of the respondents, but power has been exercised within the four corners of the Act.

**17.** It is next contended by counsel for the petitioner that Rules, 2008 were promulgated by the Government of a different ruling party and now the Government of another ruling party is in power, therefore, the decision to make payment of honour money has been withdrawn and such action cannot be allowed to be taken and for that purpose he has relied upon the judgment of the Supreme Court

in case of **State of Haryana (supra)**. In that case, the Supreme Court has held as under :-

“16.....The decisions taken at the governmental level should not be so easily nullified by a change of government and by some other political party assuming power, particularly when such a decision affects some other State and the interest of the nation as a whole. It cannot be disputed that so far as the policy is concerned, a political party assuming power is entitled to engraft the political philosophy behind the party, since that must be held to be the will of the people. But in the matter of governance of a State or in the matter of execution of a decision taken by a previous government, on the basis of a consensus arrived at, which does not involve any political philosophy, the succeeding government must be held duty bound to continue and carry on the unfinished job rather than putting a stop to the same.”

**18.** When a specific question was put to Shri Singh that whether any pleading with regard to vulnerability of order dated 29.12.2018 only on the basis of change of Government has been taken or not, then it is submitted by Shri Singh that it is a pure question of law which does not require any pleading and same can be considered even in absence of pleading.

**19.** In the considered opinion of this Court, the submission made by the counsel for the petitioner is misconceived and is liable to be rejected. If a person is of the view that decision has been changed merely because the Government of another political party had taken the said decision, then it is necessarily a disputed question of fact and amounts to attributing malafide or arbitrariness to the authority who had taken the decision to withhold the payment of honour money which was taken by the earlier Government,

therefore, unless and until the foundation is laid down by the petitioner, this Court cannot look into the verbal submissions which have been made by the petitioner. Further more, even if this contention is considered, still this Court is of the considered opinion that the submission made by the petitioner is misconceived. It is submitted by Shri Singh that election of State Legislative Assembly took place in the November, 2018 and thereafter the Government of another political party came into power. The submission made by the counsel for the petitioner also appears to be factually incorrect. If the submission made by the petitioner is considered in the light of the fact that Adhiniyam 2018 came into force from the date of its publication in the M.P. Gazette and it received the assent of the Governor on 9<sup>th</sup> August, 2018, then it is clear that the Adhiniyam, 2018 was promulgated by the earlier Government and not by the present Government. Section 9 is part of Adhiniyam of 2018 provides for withholding or cancelling the honour money. Thus, it is clear that allegation of withholding of honour money merely because change in the Government is completely misconceived. By Section 12 of Adhiniyam of 2018 the Rules, 2008 have been repealed.

**20.** No other arguments is advanced by the counsel for the petitioner.

**21.** Under these circumstances, this Court is of the considered opinion that the order dated 29.12.2018 passed by the GAD,



Bhopal, as well as order dated 15.1.2019 passed by the GAD, Bhopal, are not beyond their jurisdiction and they are within the powers conferred under Section 9 of the Adhiniyam of 2018, therefore, the same cannot be quashed. Since the honour money of the petitioner has been withheld and the respondents have decided to verify the entitlement of each and every beneficiary and in absence of complete document to show that petitioner was eligible for the honour money, this Court is of the considered opinion that if the respondents have decided to restore the honour money only after the physical verification of each and every beneficiary, then same cannot held to be arbitrary or bad in law.

**22.** Accordingly, it is held that after due verification, if the respondents come to a conclusion that the petitioner has wrongly received the honour money, then in view of Section 9(3) of Adhiniyam, 2018, the petitioner shall be liable to refund the honour money already received by him. Accordingly, this petition fails and is dismissed.

**(G.S. Ahluwalia)**  
**Judge**

ms/-