

In the High Court of Punjab and Haryana at Chandigarh

**C.W.P. No. 2469 of 2015
Date of Decision: February 12, 2015**

Parkash Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present: Mr. Mohinder Singh Joshi, Advocate,
for the petitioner.

Paramjeet Singh, J.

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 27.01.2015 (Annexure P/11) and amended order dated 04.02.2015 (Annexure P/12) passed by respondent no.3 – District Development and Panchayat Officer, Patiala, whereby Amrik Singh Gangrola, Panchayat Secretary, Block Bhunarheri has been appointed as Administrator.

Brief facts of the case as pleaded are that petitioner was elected as Sarpanch of Gram Panchayat of Village Tiwana, Tehsil and

District Patiala. First meeting of the Panchayat was held on 27.08.2013 under the Presidentship of the petitioner, in which petitioner introduced a resolution to consider the matter of operation of the bank account of the panchayat and authority to operate the bank account of panchayat, but the resolution could not be passed as panches Gurmail Singh, Harmesh Singh, Sukha Singh and Smt. Gurwinder Kaur refused to sign the resolution and did not agree. The next meeting is alleged to have been held on 05.09.2013 in which the panchayat introduced the resolution that condition of drainage system is very bad and the water is flooding the streets. The said resolution too could not be passed as the above said Panches did not cooperate. Similarly, other resolutions dated 09.05.2014 and 26.05.2014 could not be passed due to non-cooperation of the abovesaid panches. Another resolution dated 04.08.2014 also could not be passed due to negative attitude of the said panches. Thereafter, the petitioner moved a complaint to the Director, Rural Development and Panchayat Department in March 2014 regarding non-cooperation of the panches. The Director, Rural Development and Panchayat, ordered an inquiry into the complaint of the petitioner and directed to take action under Section 20 of the Punjab Panchayati Raj Act (hereinafter referred to as the "Act"). Vide order dated 27.01.2015 (Annexure P/11), the District Development and Panchayat Officer, Patiala, has appointed Sh. Gurmel Singh, Panchayat Secretary, Block Bhunarheri as Administrator for 30 days to utilize the grants in public interest. Vide order dated 04.02.2015 (Annexure P/12), the District Development and Panchayat Officer

amended his order and Sh. Amrik Singh Gangrola, Panchayat Secretary has been appointed as Administrator. Hence, this writ petition.

I have heard learned counsel for the petitioner and perused the record.

Admittedly, as per the provisions of the Act, a resolution will be deemed to have been passed if majority of the members forming the coram supported the same. In the present case, as admitted by the petitioner herself, resolution could not be carried out as the members did not support, rather they disagreed with the resolution. Since the grants have been given and panchayat is not performing its duties, in these circumstances, the Administrator was appointed. Learned counsel for the petitioner was specifically asked to indicate as to whether agendas of the resolutions were sent to the panches in writing but he could not point out any agenda nor has been annexed with this petition.

At this stage, learned counsel for the petitioner submitted that direction may be issued to the panches to agree with the resolutions so that development works of the village can be carried out.

I have considered the contentions of the learned counsel for the petitioner.

This Court cannot issue direction to the panches that they should act in a particular manner. It is for the panches to decide in favour or against a resolution. This contention of the learned counsel for the petitioner apparently appears to be fallacious and devoid of merit.

However, since the development works have been stalled due to the

differences between the Sarpanch and the Panches, the authorities have appointed an Administrator for carrying out development works of the gram panchayat. Further, if the grants are not utilized in the financial year, the same will create problems and may lapse.

In these circumstances, this Court deems it fit and proper that Administrator be directed to carry out the development works by associating the Sarpanch and Panches and keeping in view the peculiar facts and circumstances of the case, the Administrator has been rightly appointed vide Annexures P/11 and P/12 for the aforesaid purpose. This is not a permanent arrangement. However, the Director and the Deputy Director and other concerned officers should also look into the affairs of the panchayat and take appropriate measures. Ordered accordingly.

Instant writ petition is dismissed with the above mentioned observations.

February 12, 2015
vkd

[Paramjeet Singh]
Judge