

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 25371 of 2015

Date of Decision: December 04, 2015

Basant Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Mr. R.C. Sharma, Advocate,
for the petitioner.

Paramjeet Singh, J. (Oral)

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 quashing order dated 11.09.2015 (Annexure P/14) passed by respondent no.2 – Director, Rural Development and Panchayat, Punjab, whereby petitioner has been suspended from the post of Panch, and order dated 04.11.2015 (Annexure P/16) passed by respondent no.1 – Special Secretary, Department of Rural Development and Panchayat, Punjab, whereby appeal preferred by the petitioner against order dated 11.09.2015 (Annexure P/14) has been dismissed.

Brief facts of the case are that the allegations against the petitioner are to the effect that petitioner has encroached upon the gram panchayat land and has constructed a house over it. On the basis of

demarcation dated 26.06.2015 (Annexure P/1), the petitioner has been

suspended by respondent no.2 vide order dated 11.09.2015 (Annexure P/14). Against the suspension order, petitioner preferred an appeal before the Special Secretary, which has also been dismissed. Hence, present writ petition.

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

Learned counsel for the petitioner contends that the petitioner has been suspended only on the basis of demarcation report. No proper opportunity has been given to the petitioner. Learned counsel further contends that regular enquiry is yet to be completed.

Be that as it may, the fact remains that regular enquiry is pending. Since the right of the petitioner is affected, he has a right to produce the relevant evidence to prove that he is not in unauthorised possession of the property of Gram Panchayat.

In view of above, instant writ petition is disposed of with a direction that regular enquiry be conducted expeditiously, preferably within a period of four months from the date of receipt of certified copy of this order.

December 04, 2015
vkd

[Paramjeet Singh]
Judge