

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.26237 of 2015

Date of Decision:-15.12.2015.

Jagdish Rai Jund

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of 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: Dr. Surya Parkash, Advocate for the petitioner.

Ms. Naiya Gill, Advocate for
Mr. C.L. Premmy, Advocate for the
caveators.

SURYA KANT, J. (ORAL)

- 1.) Notice of motion.
- 2.) On our asking, Mr. Rajesh Bhardwaj, learned Additional Advocate General, Punjab accepts notice on behalf of the respondents.
- 3.) Let two copies of the writ petition be supplied to learned State counsel during the course of the day failing which this order shall be automatically recalled and the writ petition shall be deemed

to have been dismissed for non-prosecution.

4.) The complainants against the petitioner are on caveat. They are also permitted to join these proceedings. No reply is required at this stage.

5.) The instant writ petition has been filed seeking the following reliefs:-

(i) That the cases filed under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961 by Gram Panchayat of village Mullanpur Garibdass may be transferred to an Officer of U.T. Cadre from the Court of Sh. Shiv Dev Singh, Collector-cum-Deputy Director, Land Development, Mohali.

(ii) The order dated 8.12.2015 suspending the petitioner who is an elected Sarpanch of Village Mullanpur Garibdass be quashed.

(iii) Consequential order dated 11.12.2015 directing the petitioner to hand over the record of Gram Panchayat be also quashed.

6.) As regard to the first prayer, Ms. Naiya Gill, learned counsel for the complainants, who are mostly Panches of the Gram Panchayat, states at the Bar that cases of respondent-Gram Panchayat pending in the Court of Sh. Shiv Dev Singh have since been transferred to the Court of Additional Deputy Commissioner-cum-Collector, Mohali. We have no reason to doubt that the said

officer shall act fairly and impartially to ensure that no one is allowed to harm the interest of the Gram Panchayat. We grant liberty to any resident of Mullanpur Garibdass to approach this Court in *pro bono* if any order, detrimental to the interest of the Gram Panchayat is passed.

7.) As regard to the suspension order dated, 8.12.2015, the petitioner has got a statutory alternative remedy of appeal. We are informed that the Appellate Authority holds its Court on every Wednesday. If that is so, it is directed that in case the petitioner files his appeal within three days with application for grant of *ad interim* stay, the stay application shall be decided within three days and the main appeal within three weeks.

7.) There is a merit in the petitioner's contention that the Gram Panchayat record especially pertaining to the pending cases deserve to be protected and cannot be handed over without appropriate safeguards. The petitioner is permitted to retain complete photostat copy of the record. He shall prepare an inventory of complete record and shall then hand over the original record to the DDPO, who shall sign the inventory to acknowledge the receipt of record. The original inventory along with photostat copy of the entire record be retained by the petitioner.

8.) As regard to the other prayers, the writ petition is disposed of with liberty to the petitioner to file a fresh petition at an appropriate stage.

9.) A copy of this order be given to Mr. Bhardwaj, learned Additional Advocate General, Punjab for information and necessary compliance.

(SURYA KANT)
JUDGE

(P.B. BAJANTHRI)
JUDGE

December 15, 2015.

sandeep sethi