

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.26909 of 2015
Date of Decision: December 22, 2015

Ranjit Sharma

....Petitioner

versus

State of Haryana and others

.....Respondents

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

Present: Mr.Dhriti J.Sharma, Advocate, for the petitioner.
Ms. Kirti Singh, Deputy Advocate General, Haryana.

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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?*

Surya Kant, J. (Oral)

Notice of motion to respondent Nos.1 to 5 only at
this stage.

On our asking, Ms.Kirti Singh, learned Deputy
Advocate General, Haryana accepts notice on their behalf.

Let five copies of the writ petition be supplied to
the State counsel during the course of day failing which this
order shall be automatically recalled and the writ petition shall
be deemed to have been dismissed for non-prosecution.

Since no order is being passed on merits, it is not
necessary to call upon respondent No.6 though there are
allegations made against him, nor any counter-reply from
respondent Nos.1 to 5 is required.

The petitioner is a resident of Village Kehrba,
Tehsil Indri, District Karnal. He has averred that there is no
person belonging to reserved community living in the village

and as a result thereto, the post of Sarpanch/Panch has never been reserved for the last more than 27 years. It is further alleged that one Bhim Singh son of Sher Singh though does not belong to reserved category and is actually belonged to Rajput Kaith community, manipulated the records and has shown himself to be belonging to reserved community. On this premise, the post of Sarpanch has also been got reserved though there is no person of reserved category living in the village. In this backdrop, the petitioner has questioned the reservation of post of Sarpanch of his village for Scheduled Caste community.

As may be seen, the factual pleas raised by the petitioner are seriously disputed questions of fact which can only be determined by the authorities by initiating a fact-finding enquiry. It is not expedient for this Court to express any views except to direct the Deputy Commissioner, Karnal to consider this writ petition as a representation and if need be, a fact-finding enquiry be got conducted. If the authorities find any substance in the allegations made by the petitioner, the follow-up action shall also be taken in accordance with law.

Let the above-stated action be taken within a period of two weeks from the date of receiving a certified copy of this order.

The writ petition stands disposed of accordingly.

Dasti.

[SURYA KANT]
JUDGE

December 22, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE