

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.2918 of 2015

Date of Decision:-09.03.2015

Malkhan Singh.

.....Petitioner.

Versus

State of Haryana & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Mamli, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The Sarpanch of Gram Panchayat, Kamalpur Roran, Tehsil Indri, District Karnal has filed the present writ petition aggrieved by the order dated 16.01.2015 passed by the learned Appellate Authority under Section 51(5) of the Haryana Panchayati Raj Act, 1994, whereby the suspension of the 5 Panches on the complaint of the Sarpanch vide a composite order dated 8.9.2014 (P-4) passed by the DC Karnal has been set aside.

Having heard learned Counsel for the petitioner at length, this Court finds that the impugned order does not suffer from any illegality warranting interference by this Court. The complaint of the Sarpanch against the Panches was that they were not co-operating in passing of the resolution regarding the development works of the village, leading to the passing of the suspension order (P-4). The Appellate Authority has noticed

the conduct of both the sides and further issued direction to both the warring parties i.e. Sarpanch and Panches and same reads as under:-

“ The grievance of the appellants is that Sarpanch has not taken any action for the removal of the unauthorized possession over the Gram Panchayat's land, neither any resolution for removal of unauthorized possession was presented by Sarpanch in the Gram Panchayat's meeting. Whereas, it should be looked into by the Sarpanch. On the other hand, grievance of the Sarpanch is that resolution for releasing the funds on the development work is not being passed by the Panches. Whereas appellants alleged that Sarpanch is not giving the detail of expenditure of the Gram Panchayat. It is the duty of the Sarpanch to give detail about each account business of the Panchayat and involve every Panch of the Gram Panchayat by taking/calling suggestions from the Panches of the Gram Panchayat about the business of Gram Panchayat. Therefore, prima facie, it appears that the appellants/Panches cannot be forced to approve/pass the proposal of the Gram Panchayat which seems detrimental to the interest of villagers. In these circumstances, appellants appeal to have not committed any serious misconduct in discharge of their duties which warrants their suspension Sarpanch is duty bound to remove the illegal encroachment from the Panchayat land and, therefore, Sarpanch is directed to conduct the business of the Panchayat as per rules to give the details about the expenditure of Gram Panchayat and the

panches i.e. appellants are also directed to cooperate/and participate in the business of the gram Panchayat as per rules.”

In view of the above, no further interference is called for and the present writ petition is hereby dismissed.

**(JASWANT SINGH)
JUDGE**

March 09, 2015
Vinay