IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : 16.11.2015

1. CWP-291-2015

Krishan Lal @ Krishan Kumar

..... Petitioner

Vs

State of Haryana & Ors.

..... Respondents

2. CWP-4325-2015

Gaje Singh

..... Petitioner

Vs

State of Haryana & Ors.

..... Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Jagdish Manchanda, Advocate
for the petitioner.
Mr. Rajesh Sheoran, Addl. A.G., Haryana.
Mr. Arvind Singh, Advocate
for respondent No. 6 (in CWP No. 291 of 2015)

Rakesh Kumar Jain, J. (oral)

This order shall dispose of two writ petitions i.e. CWP Nos. 291 and 4325 of 2015 as the plea raised in both the writ petitions are almost similar.

However, for the sake of convenience, facts are extracted from CWP No. 291 of 2015.

This petition is filed against the order dated 4.12.2014 (Annexure P-10) passed by the Deputy Commissioner, Kurukshetra by which the petitioner has been held prima facie guilty of criminal conspiracy.

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In short, the present Sarpanch Smt. Asha Rani was charge sheeted on the basis of an enquiry report submitted by the Sub Divisional Officer (Civil), Thanesar for misusing her power for allotting 100 sq. yard free residential plots to the ineligible persons and getting the gift deeds registered in their favour.

The enquiry was conducted by the Deputy Chief Executive Officer, Zila Parishad, Kurukshetra, who, in her report concluded that Asha Rani, Sarpanch has committed mistake in allotment of 100 sq. yard plots but the mistake seems to have been committed due to the negligence of Ex-Sarpanch Krishan Kumar and the office of Block Development and Panchayat Officer, Thanesar because Krishan Kumar Ex-Sarpanch-petitioner had not handed over the Panchayat record in time.

Learned counsel for the petitioner has argued that there is no fault on the part of the present petitioner against whom observations have been made unnecessarily by the Deputy Commissioner in his impugned order.

At the outset, learned counsel for the respondents has argued that the impugned order has been passed by the Deputy Commissioner, Kurukshetra under Section 53 of the Haryana Panchayati Raj Act, 1994 which can be challenged by the petitioner in terms of Section 53(4) of the said Act.

It is also submitted by learned counsel for the petitioner that since the period of two years had already expired

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when the petitioner ceased to the Sarpanch of the Gram Panchayat, therefore, no action can be taken against him.

Having heard learned counsel for the parties and keeping in view of the above facts and circumstances of the case, I am of the considered opinion that the petitioner has an alternative statutory remedy under Section 53(4) of the Act to approach the Government by way of a revision though the said revision has to be filed within 60 days from the date of order.

Keeping in view the aforesaid facts and circumstances, the present petition is disposed of, relegating the petitioner to his remedy under the statute as per provision under Section 53(4) of the Act. In case, the petitioner opts to file revision under Section 53(4) of the Act within 15 days from today, the objection of limitation shall not be raised by the respondents.

A photocopy of this order be placed on the file of the connected case.

(RAKESH KUMAR JAIN)
JUDGE

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