

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

LPA No.1618 of 2014 (O&M)

Date of Decision: 17.03.2015

Baljit Kaur & Ors.

... Appellants

vs.

State of Punjab & Ors.

... Respondents

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

Present: Mr. Suram Singh Rana, Advocate for the appellants

Mr. Aman Bahri, Addl. AG Punjab

Mr. Vijay Kumar Chaudhary, Advocate
for respondent No.6

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal assails the order dated 27.08.2014 whereby learned Single Judge has dismissed the appellant's writ petition on the premise that a writ in the nature of mandamus as prayed for by them, cannot be issued.

(2) The first appellant is the duly elected Sarpanch while appellants No.2 to 4 have been elected as Panches of Gram Panchayat of village Kahlowal, Block Chogawan, District Amritsar. The first appellant and two of the Panches belong to reserved category of Scheduled Caste while one of the Panches belongs to General category. Their grievance was against non-entrustment of the charge of the office of Gram Panchayat despite having been duly elected to hold their respective offices. A mandamus was thus sought.

(3) The Letters Patent Bench vide a self-speaking order dated 26.09.2014 directed the Deputy Commissioner, Amritsar, and other authorities to show cause as to why the elected Sarpanch and Panches of the Gram Panchayat were not being allowed to function in accordance with law?

(4) It is stated by their learned counsel that pursuant to that order, the appellants have been allowed to take charge of the Gram Panchayat but there are four Panches belonging to General category who are still not cooperating with the Sarpanch and other Panches and as such there is a complete stalemate. He further submits that the Gram Panchayat is unable to take up the development works of the village.

(5) Having heard learned counsel for the parties, we are of the considered view that the appellants, being duly elected Sarpanch/Panches of Gram Panchayat, are entitled to perform their duties in accordance with law, rules and policy framed by the State Government from time to time. The other elected Panches as well are under obligation to help the Gram Panchayat in performance of its Constitutional duties. Any action of theirs which amounts to obstruction in the performance of constitutional or statutory duties by the Gram Panchayat must be taken as dereliction of duty and would warrant appropriate action against them from the Authorities prescribed under the Statute.

(6) We thus allow the appeal; set aside the order of learned Single Judge and dispose of the appellants' writ petition with a direction to the Deputy Commissioner, Amritsar; District Development and Panchayat Officer and other authorities under the Act to permit the appellants to perform their duties in accordance with law and further ensure that the other elected Panches of the Gram Panchayat also participate in the development activities or in day-to-day functioning of the Gram Panchayat in accordance with law/rules, including raising their voice against any illegal action of the majority group, failing which the authorities shall take appropriate action against anyone who, with or without any motive, fail to discharge their duties.

(7) Ordered accordingly. **Dasti**.

(Surya Kant)
Judge

17.03.2015
vishal shonkar

(PB Bajanthri)
Judge