

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 109 of 2016

Date of Decision: 26.09.2016

Gram Panchayat of Village Dharak Kalan

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Mahesh Grover.
Hon'ble Mr. Justice Shekher Dhawan.**

Present: Mr. V.K.Sandhir, Advocate
for the petitioner(s).

Mr. Gaurav Garg Dhuriwala, DAG Punjab
for respondents No.1 & 2.

Mr. Balbir Singh Sewak, Advocate
for respondents No.3 & 4.

Mahesh Grover, J.

While issuing notice of motion, this Court had considered the arguments of learned counsel for the petitioner that the Commission or its Deputy Director would have no authority whatsoever to recommend suspension of elected Gram Panchayat and to appoint an Administrator.

Learned counsel representing respondents No.3 & 4 has candidly admitted to this position and has stated that the Deputy Director or the Commission would have no authority at all to either desire or recommend the appointment of Administrator even if there is a recommendation from the Block Development and Panchayat Officer.

We notice from the impugned order (Annexure P4) that the

Commission has passed the following order:-

“The commission has desired that District Development and Panchayat Officer is directed that according to the proposal of Block Development and Panchayat Officer, Kharar, the administrator be appointed at the earliest.”

After hearing learned counsel for the parties and noticing that the Commission has certainly exceeded its power by making the aforesaid observations, we would deem it appropriate to direct striking down of this portion of the impugned order. However, as some information has been sought, which is mentioned in the subsequent part of the impugned order (Annexure P4), we would not disturb that portion. The instant writ petition is, therefore, accepted. The offensive part of the impugned order, as extracted above, is struck down.

(Mahesh Grover)
Judge

(Shekher Dhawan)
Judge

September 26, 2016

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No