

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.14714 of 2016

Date of decision: 26.07.2016

Harbans Singh and others

... Petitioners

Vs.

Block Development and Panchayat Officer, Dhuri, Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Bains, Advocate
for the petitioners.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioners, by way of present writ petition under Article 226/227 of the Constitution of India, seek a direction to the respondent to allow the petitioners to perform their duties as elected representatives, being Sarpanch and Panches.

Learned counsel for the petitioners submits that respondent is acting illegally. He got a resolution dated 05.04.2016 (Annexure P-12) passed in arbitrary and illegal manner, so as not to allow the petitioners to perform their duties. Thereafter, petitioners served a legal notice dated 27.04.2016 (Annexure P-13) to the respondent but he is still not allowing the petitioners to perform their duties. He prays for issuing appropriate directions, by allowing the present writ petition.

Having heard the learned counsel for the petitioners at considerable length, after careful perusal of the record of the case, this Court is of the considered opinion that present writ petition is wholly misconceived, premature

and not maintainable at this stage, which is liable to be dismissed, for the following more than one reasons.

A bare perusal of the record of the case would show that instant unwarranted litigation is the result of party faction in the village. Allegations and counter-allegations are being levelled against each other by both the factions. However, it is clear that if the petitioners were feeling aggrieved against the resolution dated 05.04.2016 (Annexure P-12), then they should have challenged the same but they have not done so, for the reasons best known to them either before the appropriate forum or even before this Court by way of present writ petition. In the absence of any challenge to the resolution dated 05.04.2016 (Annexure P-12), no relief can be granted to the petitioners at the hands of this Court.

Further, when the petitioners have themselves issued the legal notice dated 27.04.2016 (Annexure P-13), pointing out that they were intending to file contempt of Court petition against the respondent for alleged violation of the order dated 01.12.2015 passed by this Court in CWP No.23901 of 2015 (Naranjan Singh Vs. Joint Development Commissioner, Rural Development and Panchayat, Punjab and others), they should have pursued the matter further, taking the same to its logical end. However, they turned around and filed the present writ petition.

When learned counsel for the petitioners was confronted that the petitioners were having remedy available to them under the relevant provisions of The Punjab Panchayati Raj Act and they should have availed the said remedy before approaching this Court by way of present writ petition, he had no answer and rightly so, it being a matter of record.

In view of what has been discussed hereinabove, it can be safely concluded that the instant writ petition is not maintainable in the present forum.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that present writ petition has been found wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, instant writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

26.07.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No