

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 19749 of 2016

Date of Decision: 22.9.2016

Buta Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Vivek Chauhan, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned orders dated 20.7.2016 (Annexure P-2) and 30.8.2016 (Annexure P-8) as well as Annexure P-8/A, whereby respondent No.5 has been appointed as Administrator of Gram Panchayat, petitioner-Sarpanch has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned orders.

Heard learned counsel for the petitioner.

It is a matter of record that impugned orders passed by the respondent authorities are revisable under Section 201 of the Punjab Panchayat Raj, Act, 1994 ('the Act of 1994' for short). It was so held by this

Court in the case of **Binder Kaur Vs. State of Punjab and others, 2015 (4)**

PLR 697 and relevant part of the order contained in paras 5 and 6 thereof, reads as under:-

“Having heard learned counsel for the parties and gone through the material available on record, Section 201 of the Act gives power to the Director, Rural Development and Panchayat, Punjab to entertain revision petition against the order of the DD&PO passed under Section 200(1) of the Act.

Thus, the present petition is not maintainable and hence the same is hereby dismissed. However, the petitioner is granted liberty to challenge the impugned order before the Director, Rural Development and Panchayat, Punjab by way of a revision petition under Section 201 of the Act. It is further directed that in case such a revision is filed within seven days from the date of receipt of certified copy of this order, the Director, Rural Development and Panchayat, Punjab shall decide the same within one month thereafter. The petitioner may take other pleas also in the said petition, which shall be decided by the Director, Rural Development and Panchayat, Punjab.”

In view of the abovesaid observations made by this Court, petitioner is relegated to his equally efficacious alternative remedy of revision under Section 201 of the Act of 1994. However, it has been clarified by learned counsel for the State that now the revision lies before the Secretary, Department of Rural Development and Panchayat, Punjab.

It is also directed that if the petitioner files revision petition within a period of seven days from the date of receipt of certified copy of this order, the revisional authority shall decide the revision petition filed by the petitioner, at an early date, by passing an appropriate order thereon, strictly in accordance with law, but in any case within a period of one month thereafter. Petitioner shall also be entitled to raise all possible pleas available to him, in his revision petition, which shall be considered and decided by the revisional authority.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

22.9.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No