

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

CWP No.20942 of 2016

Date of Decision: 05.10.2016

Mukhtiar Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Rameshwar Singh Malik, J. (Oral)

Feeling aggrieved against the impugned order dated 25.5.2016 (Annexure P-16) passed by appellate authority-respondent No.1, whereby appeal of the petitioners was dismissed and the order dated 6.8.2015 (Annexure P-12) passed by the Director, Rural Development and Panchayat, Punjab, reinstating respondent No.4 as member Gram Panchayat, during the pendency of regular enquiry, petitioners have approached this Court by way of instant 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 petitioners.

A bare combined reading of both the impugned orders would make it crystal clear that the respondent authorities have committed no error of law, while passing their respective impugned orders, while reinstating respondent No.4 as Member, Gram Panchayat, during the pendency of

regular inquiry. Petitioners are complainants. Order dated 06.08.2015 (Annexure P-12) was passed by Director, Rural Development and Panchayat, Punjab-respondent No.2, on the basis of report submitted by Additional Deputy Commissioner (Development), Patiala, wherefrom Director came to the conclusion that the charge of illegal possession levelled against respondent No.4 was not proved. In such a situation, the Director Rural Development and Panchayat, Punjab-respondent No.2 was well within his jurisdiction to pass the impugned order, reinstating respondent No.4 as Member of Gram Panchayat, during the pendency of regular inquiry.

The order (Annexure P-12) passed by respondent No.2 was challenged by the petitioners by way of appeal before respondent No.1. However, they failed to substantiate their plea even before the appellate authority and the appeal came to be dismissed vide impugned order dated 25.05.2016 (Annexure P-16). Before passing the impugned order, respondent No.1 has reconsidered the matter and came to the definite conclusion that the allegation levelled against respondent No.4 was not proved. In fact, land in dispute was a *shamlat patti* and the appellants before respondent No.1, the petitioners herein, failed to place anything on record to show that the said land of *shamlat patti* was being used for common purposes by the Gram Panchayat. Having said that, this Court feels no hesitation to conclude that the impugned orders passed by respondent Nos.1 and 2 are factually correct and legally justified, which deserve to be upheld.

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 the instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the present writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

05.10.2016
mks

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No