

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

**C.W.P No. 25732 of 2015 (O&M)
DECIDED ON : 22.08.2016**

Rajwinder Kaur

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Sushma Chopra, Advocate,
for the petitioner.

Ms. Monika Chibber Sharma, DAG, Punjab.

Mr. N. P. S. Mann, Advocate,
for respondents No. 5 and 6.

RAMESHWAR SINGH MALIK, J. (ORAL)

The present writ petition is directed against the order dated 19.11.2015 (Annexure P-2), whereby Administrator was appointed for the Gram Panchayat of the petitioner.

Notice of motion was issued and in compliance thereof, written statement dated 26.04.2016 on behalf of respondents No.1 to 4 has been filed. In the written statement, it has been specifically stated in para no. 5 that the petitioner has got equally efficacious alternative remedy under Section 201 of the Punjab Panchayati Raj Act, 1994 (in short "the Act"), which has not been availed by her before filing the present writ petition. No replication has been filed by the petitioner to the above said written statement filed by the State.

Heard learned counsel for the parties.

The scope and ambit of Section 201 of the Act fell for consideration of this Court in "***Binder Kaur vs State of Punjab and others***" **decided on 30.09.2015** and reported as 2016 (1) RCR (Civil) 634.

The relevant operative part of order passed by this Court in ***Binder Kaur's case (supra)*** deserves to be noticed here and the same reads as under :-

"5. 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.

6. 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."

However, it has been clarified by learned counsel for the State that now the revisional powers are with the Secretary, Department of Rural Development and Panchayat, Punjab.

In view of the above said undisputed fact situation, the present writ petition is disposed of relegating the petitioner to her equally efficacious alternative remedy of revision under Section 201 of the Act. It is directed that in case the petitioner files an appropriate

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 same at an early date and within a period of one month thereafter. The petitioner shall be at liberty to raise all possible pleas available to her, while filing revision petition which shall be decided by the revisional authority, by passing an appropriate order, strictly in accordance with law.

Since while issuing notice of motion vide order dated 09.12.2015, operation of the impugned order dated 19.11.2015 (Annexure P-2) was stayed by this Court, the said stay order shall continue to operate in favour of the petitioner till her revision petition is decided by the revisional authority.

With the aforesaid observations made and directions issued, the Civil Writ Petition is disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

AUGUST 22, 2016
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Whether speaking/reasoned **YES/NO**

Whether reportable **YES/NO**