

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

CWP No.4384 of 2015 (O&M)
Decided on : 12.01.2016

Vijay Singh

.... Petitioner

versus

State of Punjab & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

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

Mr. M.C.Berry, Addl. AG, Punjab.

Mr. Nakul Sharma, Advocate
for respondent No.5.

Mahesh Grover, J.(Oral)

The petitioner impugns the order of suspension dated 23.02.2015 (Annexure P-9). The allegations against him were of usurping of shamlat land of the village even though he was Sarpanch.

The petitioner had pleaded that his father was in possession of the said land. The facts in the petition would go on to show that the civil suit was filed by his father which the petitioner prosecuted acting as his power of attorney meaning thereby that the interest of the father of the petitioner as also the petitioner was common. The suit was initiated in the year 2010. In 2013, the petitioner was elected as Sarpanch. The suit continued till September 2014 when it was decreed.

Evidently, the petitioner continued to act against the interest of Gram Panchayat in the proceedings as also reflected from the judgment of the Civil Court itself where it has been noticed as below while returning the findings:

"The defendant No.1 has not placed on record any document even not led any evidence to prove that the

gram panchayat of village Naroor i.e. defendant No.1 is owner and in possession of the suit land. On the contrary at the time of cross-examination of DW1 namely Rattan Chand admitted that Chak Bhumi was held in the year 1969-70 in village Naroor and the suit land is ownership of the co-sharer of the said Patti."

Evidently, the petitioner tried to harm the interest of the panchayat by his conduct and wanted to grab 43 kanal and 2 marlas of land. It was also stated by the respondent that the petitioner has filed a collusive suit with his brother by impleading him as proforma respondent seeking ownership of this land.

All these findings have resulted in the suspension of the petitioner by virtue of the impugned order. Regular inquiry held against the petitioner has also gone against him.

Keeping in view the aforesaid facts, I would not find any infirmity in the impugned order and therefore, dismiss the petition leaving the petitioner to the outcome of the proceedings pursuant to the regular inquiry and his remedies in law.

12.01.2016
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(Mahesh Grover)
Judge