

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.6997 of 2016

Date of Decision: April 12, 2016

Gram Panchayat, Mahant Gurbachan Dass NagarPetitioner

versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

Present: Mr.RKS Brar, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner is Gram Panchayat of village Mahant Gurbachan Dass Nagar, Tehsil Banga, District SBS Nagar. It was constituted in the year 2008 out of the parent Gram Panchayat of village Farala-respondent No.5. It is alleged that almost 8 years have passed but assets of two Gram Panchayats in terms of Section 3 of the Punjab Panchayati Raj Act, 1994, have yet not been apportioned. The petitioner-Gram Panchayat is claimed to have approached various authorities including the Deputy Commissioner, SBS Nagar but the persistent in-action of the authorities has compelled the petitioner-Gram Panchayat to rush to this Court.

Since Section 3 of the 1994 Act contemplates bifurcation of assets between the original and newly carved

out Gram Panchayat, it does appear that such an exercise is required to be undertaken within a reasonable time. Lack of commitment and non-accountability of the officers has led to an inordinate delay in resolving the dispute. While no opinion can be expressed with regard to the petitioner's claim as we have not called upon respondent No.5-Gram Panchayat at this stage and no order prejudicial to its interest can be passed behind its back, there is no gain saying that the dispute between the petitioner and respondent no.5-Gram Panchayat ought not to have been prolonged. We thus, dispose of this writ petition with liberty to the petitioner-Gram Panchayat to file a formal petition under Section 3 of the 1994 Act before the Prescribed Authority who in turn is directed to decide the same in accordance with the principles of natural justice, as early as possible but not later than three months from the date of its filing.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

April 12, 2016
mohinder

[A.B.CHAUDHARI]
JUDGE