

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

LPA-2412-2016 (O&M)

Date of decision: 15.12.2016

Gram Panchayat, Guru Tegh Bahadur Nagar (Sathiala)

..... Appellant

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

PRESENT: Mr. B.S. Jaswal, Advocate for the appellants.

RAMENDRA JAIN, J.

1. The appellant-Gram Panchayat has filed the present Letters Patent Appeal under Clause X of the Letters Patent, against the order dated 05.12.2016 passed by the learned Single Judge whereby CWP-25119-2016, filed by the appellant was disposed of with the findings that it has no *locus standi* to challenge order dated 17.11.2016 (Annexure P-1) sanctioning the grant of ₹ 12 lacs in favour of the neighbouring Panchayat.

2. The grouse of the appellant is to the sanction dated 17.11.2016 (Annexure P-1) granting ₹ 12 lacs to respondent No. 5-Gram Panchayat, Sathiala for repair/constructions of certain link roads leading to Dera Radha Swami and construction of Prajapat Dharamshala, on the ground that all the

link roads to be repaired/constructed as well as the Prajapat Dharamshala,

fall under the jurisdiction of appellant-Gram Panchayat which is quite separate from respondent No. 5 and, thus, amounts to encroaching upon the rights and duties of the appellant.

3. Learned counsel for the appellant contended that village Sathiala on becoming very big village was divided into four separate Gram Panchayats prior the Panchayat elections held in the year 2003. Accordingly, the appellant was named as Gram Panchayat, Guru Tegh Bahadur Nagar, as a complete independent entity. The Government vide aforesaid letter Annexure P-1, had sanctioned a grant of ₹ 12 lacs to respondent No. 5, for repair/construction of link road as well as Prajapat Dharamshala which falls within the exclusive domain of the appellant and, thus, the diversion of ₹ 12 lacs in favour of respondent No. 5 is an illegal and arbitrary action of the Government, may be on account of some political reasons. It was further contended that the appellant had requested the concerned authorities vide letter dated 19.11.2016 (Annexure P-2) to transfer the aforesaid grant to it, instead of respondent No. 5, but the Government did not consider its request.

4. After giving our thoughtful consideration to the submissions made by learned counsel for the appellant, we do not find any merit in the present appeal.

5. Undisputedly, the appellant-Gram Panchayat and respondent No. 5 are neighbours to each other. Rather initially, they were integral part of one Gram Panchayat, Sathiala. The appellant has objection to the grant of ₹ 12 lacs to respondent No. 5 for repair/construction of link roads and Prajapat Dharamshala on the ground that the same falls within its area.

However, in our considered opinion, the said objection of the appellant

cannot be legally sustained for the reason that the sole object of the appellant should be towards development in its area by ignoring the fact that who is doing the same. The credit of development, if any done, in the area of the appellant would go to it only, though it may be by some other agency. The objection to the development in its own area by the appellant through respondent No. 5 is completely *mala fide* which proves its callous attitude.

6. In view of the above discussion, the instant appeal being completely devoid of any merit is dismissed.

**(RAMENDRA JAIN)
JUDGE**

December 15, 2016
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**(AJAY KUMAR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No