

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.975 of 2016

Date of decision: June 03, 2016.

Guravtar Singh

... Appellant

v.

State of Punjab and others

... Respondents

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

Present: Shri Arshdeep Bhullar, Advocate, for the appellant.

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

Surya Kant, J. (Oral):

This letters patent appeal is directed against the order dated 27.4.2016 whereby the learned Single Judge has declined to issue a writ of mandamus for the suspension of Sarpanch and Panch of the Gram Panchayat on the ground that they have allegedly encroached upon the Gram Panchayat land. Learned Single Judge has relegated the appellant to the remedy as is available to him under the law.

In our considered view, the question as to whether the private respondents have encroached upon the Gram Panchayat land, could be determined in proceedings under the Punjab Village Common Lands (Regulation) Act, 1961 and it is only when such like misconduct is proved that action of suspension of an elected representative may be available under the Punjab Panchayati Raj Act. In the absence of any such finding by the forum, the desired directions cannot be issued.

Dismissed.

[**Surya Kant**]
Judge

June 03, 2016.
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[**A.B. Chaudhari**]
Judge