

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

CWP No.13561 of 2017

Date of Decision: 08 June, 2017

Balwinder Kaur

...Petitioner

Versus

State of Punjab and another

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Aminder Singh, Advocate
for the petitioner.

FATEH DEEP SINGH, J.

Through this invocation under Article 226 of Constitution of India the petitioner Balwinder Kaur, Ex-Sarpanch of Gram Panchayat Dhakran, Block Nadala, Tehsil Bholath, District Kapurthala has sought writ in the nature of certiorari seeking setting aside of orders dated 08.07.2016 passed by learned Director, Rural Development and Panchayats Punjab Annexure P/2 and orders dated 9.3.2017 passed by the learned Financial Commissioner, Rural Development and Panchayats Punjab, Annexure P/4, whereby, the petitioner has been removed from the post of Sarpanch.

Upon hearing learned counsel for the petitioner and perusal of the record. Undisputedly, a complaint was made to the Director, Rural Development and Panchayats, Punjab regarding illegal encroachment of Panchayat land by the petitioner/Sarpanch Balwinder Kaur and the

District Development Panchayat Officer through his letter No.2601 dated 16.12.2014 on the basis of report of Block Development and Panchayat Officer, Nadala received through letter No.622 dated 21.8.2014 has come to the conclusion that the petitioner along with Satnam Singh, Panch were in illegal possession of *shamlat* land and upon demarcation it was established and, thus, an action was taken by virtue of Section 20(1) (O) of Punjab Panchayati Raj Act, 1994 (in short, 'the Act') against these persons of the Gram Panchayat. After issuing show case notice and on receipt of reply and finding them to be unsatisfactory leading to the passing of the impugned orders. It is not out of place to refer here that even a civil remedy availed off by the petitioner side did not meet any success and that is how the petitioner along with Panch were relieved from the post of Sarpanch by virtue of powers under Section 208(1) (K) of the Act. Upon appeal by the petitioner the same was dismissed being meritless as it was abundantly held that five and a half marla *shamlat* land was under the illegal possession of appellant Balwinder Kaur.

Learned counsel for the petitioner could not show cause to this Court how there has been circumvention of due recourse to law by the concerned authorities resulting in miscarriage of justice necessitating intervention by this Court. Though, learned counsel for the petitioner has sought to place reliance on **2011(1) RCR (Civil) 28 Surinder Kaur vs. Kulwant Kaur and others; 2001(4) RCR (Civil) 735 Joginder Kaur vs. State of Punjab** but on account of factual disparity and the fact that it is the petitioner herself who by virtue of her post as Sarpanch happens to be in illegal occupation of *shamlat* land which she is still carrying on impels this Court to hold that there is no merit in the present

petition and the same as such stands dismissed in limine.

June 08, 2017

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**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No