
Surinder SinghPetitioner
Vs.
State of Punjab and othersRespondents

Ms. Deepali Puri, Addl. AG, Punjab.

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“Counsel for the petitioner has submitted that the petitioner is a Sarpanch of the Gram Panchayat. There was an Administrator appointed whose tenure was over, therefore, the petitioner has filed a petition bearing CWP No.9378 of 2017 in which CM No.8427 of 2017 was moved, which was disposed of on 02.06.2017- giving liberty to the petitioner to move an appropriate application. He moved another application on

08.06.2017 for restoring powers with the Panchayat to work but so far the application has not been decided one way or the other, thus neither there is Administrator nor the Panchayat.

Notice of motion for 01.08.2017.

On the asking of the Court, Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of the State.”

Today, learned counsel appearing on behalf of the respondents placed on record order dated 07.08.2017 passed by the Director, Rural Development and Panchayats, Punjab, which reads as under:-

“The representation of Sh. Surinder Singh Sarpanch Gram Panchayat Mullepur Block Sirhind District Fatehgarh Sahib was received by way of Annexure P-6 annexed with Civil Writ Petition No.16130 of 2017.

In this representation the Sarpanch has prayed that appropriate orders for allowing the elected Gram Panchayat headed by its Sarpanch may kindly be passed so that the Sarpanch can discharge its duty and functions including the judicial functions and the respondents need not appoint any administrator as the tenure of the administrator appointed vide order dated 25.4.2017 has been expired.

In this regard, the record has been perused. Sh. Surinder Singh Sarpanch Gram Panchayat Mullepur Block Sirhind District Fatehgarh Sahib has neither been suspended nor removed from the post of Sarpanch and the powers, functions and duties of Sarpanch has been defined u/s 16 of Punjab

Panchayati Raj Act 1994. The Block Development and Panchayat Officer Sirhind District Fatehgarh Sahib has submitted a copy of the statement of Sh. Surinder Singh Sarpanch Gram Panchayat Mullepur Block Sirhind District Fatehgarh Sahib in which he has given a statement before the District Development and Panchayat Officer Fatehgarh Sahib that the development works of the Village should be carried out by appointing the administrator. This statement has been given on 21.4.2017.

In view of the above, it is very clear that Sh. Surinder Singh Sarpanch Gram Panchayat Mullepur Block Sirhind District Fatehgarh Sahib has neither been suspended nor been removed from the post of Sarpanch and he is under obligation to perform his duties as Sarpanch as envisaged under the Punjab Panchayati Raj Act 1994. It has also been brought into the notice by the Block Development and Panchayat Officer that in the past at so many times administrator was appointed as the Sarpanch failed to perform his duties. In view of the prayer made by the Sarpanch in his representation he is given an opportunity to start the development works of the village within one week so that the development of village should not suffer. This is to be understood that the development of village is of paramount consideration and it should not be suffered at any cost. In case the Sarpanch/ Gram Panchayat fails to initiate the development works of the village then in that case the

competent authority will be free to invoke the provisions of section 200 of the Punjab Panchayati Raj Act 1994.

The representation of Sh. Surinder Singh Sarpanch Gram Panchayat Mullepur Block Sirhind District Fatehgarh Sahib is decided in the aforesaid terms.”

Keeping in view the aforesaid facts and circumstances, the present petition is hereby disposed of having been rendered infructuous but the period of one week given to the petitioner for starting development work by the Director in his order dated 07.08.2017 is extended to one month.

August 08, 2017
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(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No