

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.17786 of 2017
Date of Decision: 22.08.2017

Ramandeep Kaur

....Petitioner

Vs.

Director, Rural Development and Panchayats, Punjab and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.B.S. Ichhewal, Advocate,
for the petitioner.

Ms.Sunint Kaur, AAG, Punjab.

Mr.Manish Kumar Singla, Advocate,
for respondent No.4.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed in order to challenge the order dated
3.7.2017 passed by respondent No.2 by which Administrator was
appointed.

At the time of notice of motion, the following order was
passed: -

*“This petition is filed by the Sarpanch,
who had found that the development
work of the village was not making any
headway on account of non-
cooperation of the Panches. The
District Development and Panchayats
Officer [DDPO] appointed Panchayat*

Secretary/respondent No.4 as an Administrator, asking him to do the development work including the installation of tubewell on Shamlat land. The petitioner has two grievances, namely, (i) The junior officer like Panchayat Secretary has been wrongly appointed as Administrator in violation of the guidelines (attached as Annexure P-6) in which it is provided that the Administrator should not be below the rank of SEPO and (ii) the Administrator appointed by the DDPO has installed the tubewell in the cremation ground instead of Shamlat land.

Notice of motion for 18.8.2017.

Dasti.

Till then operation of the impugned order shall remain stayed.”

On 18.8.2017, the following order was passed: -

“Counsel for respondent No.4 has submitted that the impugned order was regarding the appointment of the Administrator. It is submitted that the

*said order was only for 45 days and
the said period has already been over.*

*Be that as it may, since counsel for the
petitioner is not present, the case is
adjourned to 22.8.2017.*

To be shown in urgent list.”

Learned counsel for the petitioner has though submitted that the period of appointment of Administrator has already been over but the Administrator had no jurisdiction to install the tubewell in the cremation ground as it was ordered to be installed in the shamlat land.

Learned counsel for respondent No.4 has referred to a decision of this Court rendered in *CWP No.16569 of 2015* titled as “*Binder Kaur Vs. State of Punjab and others*” decided on 30.9.2015 followed in *CWP No.15971 of 2016* and other connected matters titled as “*Surjit Kaur Vs. State of Punjab and others*” decided on 16.8.2016 to contend that an order passed under Section 200(1) of the Punjab Panchayati Raj Act, 1994 is revisable by the Director, Rural Development and Panchayat.

Faced with these observations, learned counsel for the petitioner prays for withdrawal of the petition in order to avail the remedy of filing a revision before the Director, Rural Development and Panchayat only in regard to the power illegally exercised by the Administrator in installing the tubewell in the cremation ground instead of shamlat land.

Dismissed as withdrawn.

Liberty granted.

It is made clear that in case the revision is filed before the Director, Rural Development and Panchayat within 15 days from today,

the same shall be decided by the Director, Rural Development and Panchayat within a period of six months after giving short adjournments to the parties.

22.08.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*