

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.2246 of 2016 (O&M)
Date of decision: October 09, 2017

Gram Panchayat Village Shampura ...Petitioner

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.S. Bains, Advocate for the petitioner.
Mr. Vikas Mohan Gupta, Addl. Advocate General, Punjab.
Mr. Vijay Lath, Advocate for respondents No.6 to 8.

Rajan Gupta, J.(oral)

Petitioner has posed a challenge to order passed by Sub Divisional Magistrate, Rupnagar, whereby petitioner Gram Panchayat has been directed to stop the work of construction of cremation ground.

It has been urged before the court that the order is without any authority of law. The Gram Panchayat could not have been restrained from carrying out the work by way of an administrative order. One of the functions of the Gram Panchayat under Section 30 of the Punjab Panchayati Raj Act, 1994, is construction, repair and maintenance of burial and cremation grounds. Thus, Gram Panchayat was only performing a statutory duty.

Plea has been opposed by learned counsel representing respondents. However, there is no plausible explanation forthcoming about

the origin of the powers, under which the Sub Divisional Magistrate has passed the impugned order. Under the circumstances, same is hereby set-aside. Gram Panchayat is at liberty to pass fresh resolution, if any, as per the provisions of the Act.

Allowed in these terms.

(RAJAN GUPTA)
JUDGE

October 09, 2017
'Rajpal'

Whether speaking / reasoned	Yes / No
Whether Reportable:	Yes / No