

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 24747 of 2017

Date of Decision: 17.11.2017

SATPAL AND OTHERS

...Petitioners

VS.

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Vikram Singh, Advocate,
for the petitioners.

Mr. Vishal Garg, Addl. A.G., Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioners who are the members of the Gram Panchayat, Shahzadpur, District Ambala have prayed for issuance of writ in the nature of Mandamus to direct the respondent No. 2 to hold a meeting for the purpose of electing of authorized *Panch* commanding majority as the *Sarpanch* amongst *Panches* for the purpose of looking after the affairs of the Gram Panchayat in the absence of *Sarpanch* who has been put under suspension.

After notice of motion, respondents have filed an affidavit dated 16.11.2017 of Suman Kadyan, BDPO Shahzadpur, Ambala in the Court. The same is taken on record.

Learned State counsel has submitted that the Gram Panchayat comprises of 20 *Panches* and a *Sarpanch*. A meeting was held on 16.11.2017 in order to elect authorized *Panch*. In the said meeting, only one name was proposed but all the *Panches*/members were against him. Therefore, he could not command majority of the *Panches*. It is also submitted that the matter has now been sent to the Deputy Commissioner, Ambala for taking necessary action.

Learned counsel for the petitioner in this regard has submitted that Gram Panchayat cannot be left without an authorized *Panch* and it is a mandate law in terms of Section 51 (6) (i) of the Haryana Panchayati Raj Act, 1954. Therefore, he has prayed that let another meeting may be held under the supervision of the Deputy Commissioner, Ambala for the purpose of electing the authorized *Panch*.

I have heard learned counsel for the respondents and keeping in view the facts and circumstances, the present petition is disposed of with a direction that respondent No. 2-Deputy Commissioner, Ambala shall convene a meeting of the Gram Panchayat in his supervision so that *Panches* of the Gram Panchayat may elect an authorized *Panch* who would command the majority. Needful shall be done within 15 days of the date of receipt of certified copy of this order.

November 17, 2017

Suresh Kumar

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned* :** ***Yes* / *No

Whether Reportable* :** ***Yes* / *No