

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.2946 of 2017

Date of Decision.16.02.2017

Achra Singh

.....Petitioner

Vs

State of Punjab and others

.....Respondents

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

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The petitioner is aggrieved of the impugned order (Annexure P-6) passed in appeal preferred by Jasmail Singh under Section 20(6) of the Panchayati Raj Act, 1994 filed against the order dated 04.06.2016 whereby he has been suspended from the post of Sarpanch.

Mr. Vikram Singh, learned counsel appearing on behalf of the petitioner submits that respondent No.3 is in illegal possession of the land of the pond belonging to the village. An enquiry was conducted by the BDPO and prima facie, having found to be in illegal possession, suspended him but the Financial Commissioner-cum-Secretary to Government of Punjab, Rural Development and Panchayats, Punjab has allowed the appeal. In fact, the matter should have been remanded back to the same authority who had suspended him.

I have heard learned counsel for the petitioner and appraised the paper book. The conceded position on record is that the private respondent had, after having succeeded in election, faced the election petition which was decided in favour of Jasmel Singh on 22.07.2014. Even

Sherpur and it was found that the land in dispute is *abadi deh* and the Gram Panchayat has no concern. Once enquiry has already been conducted, there was no occasion for the complainant to re-agitate the matter. It is strange that a personal animosity or grudge against the Sarpanch indulges into filing perpetual criminal complaint and did not rest once the complaint has already been consigned rather put the machinery into motion by wasting time. Such person should be put to task. I thought for imposing costs of ₹2 lacs to see whether there was force and material/foundation in the complaint but without proceeding further, I deem it appropriate that the finding rendered by the respondent No.1 is perfectly legal and justified. No ground for interference is made out.

The writ petition is dismissed.

(AMIT RAWAL)
JUDGE

February 16, 2017
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No