

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 441 of 2018

Date of decision:12.01.2018

Gram Panchayat Village Jande Sarai and another ...Petitioners

V/s.

State of Punjab and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY.**

Present:- Mr. Ashok Giri, Advocate for the petitioners.

DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of certiorari and setting aside impugned order dated 21.03.2017 (Annexure P-2) whereby disbursement of Panchayat funds has been stopped by respondents, although the same is lying in the bank account of the Gram Panchayat due to which the entire development work of the village has come to stand still.

The grievance of the petitioner No. 2 being Sarpanch is that no development work has taken place in the village as the funds are not being allowed to be utilised.

Learned counsel for the petitioners submits that a resolution was passed but still no action has been taken.

After hearing arguments of learned counsel for the petitioners and on perusal of documents available on the file, admittedly there is no representation moved by the petitioner-Sarpanch to the competent authority with regard to non completion of development work of the Gram Panchayat. Only one communication dated 21.03.2017 sent by Director,

Rural Development and Panchayat to all Additional Deputy Commissioner (Development) and District Development and Panchayat Officers has been challenged whereas there is no cause of action to challenge that same. Even said communication has not been addressed to the Gram Panchayat. Simply by saying that development work has not been done and amount is lying in the bank account is not a ground to approach this Court by way of filing this petition under Articles 226/227 of the Constitution of India even without approaching the competent authority.

Although all efforts have been made by learned counsel for the petitioners to satisfy the Court that petitioner-Sarpanch has approached the competent authority but even a single representation is not on record. There is no merit in the contentions raised by learned counsel for the petitioners and the petition is hereby dismissed being not maintainable at this stage. However, the petitioner is at liberty to move representation to the competent authority.

January 12, 2018

Divyanshi

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No