

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24562-2019

Date of decision: 24.9.2019

Harjeet Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr.NPS Mann, Advocate for the petitioner

Mr.Vikas Mohan Gupta, Addl.AG, Punjab

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for quashing the order dated 8.1.2019 (Annexure P-1) passed by respondent No.5 Block Development and Panchayat Officer, Harsha Chhina, vide which the enquiry into the works done by the petitioner has wrongly and illegally been ordered to be conducted through Sub Divisional Officer, Panchayati Raj Public Works Division, Ajnala.

Learned counsel for the petitioner contends that the petitioner remained as Sarpanch from May, 2013 to May, 2018 and with regard to the works executed by the petitioner, vide order dated 8.1.2019 (Annexure P-1),

enquiry has been ordered to be conducted by a three member Committee, which is in violation of Section 216 of the Punjab Panchayati Raj Act, 1994. He further states that only Block Development Officer or any other officer appointed by him is competent to conduct such enquiry.

Learned State counsel informs that no enquiry is being conducted as per Section 216 of the Punjab Panchayati Raj Act, 1994 (for short 'Act of 1994') to determine the liability of the petitioner. Only a fact finding enquiry to find out the defects with regard to the works executed by the petitioner is being gone into. If some defects or deficiency are pointed out by the fact finding committee, thereafter, the proceedings will commence as per the procedure laid down in the Act of 1994.

In view of the above, the Court feels that the present petition is premature and no right in favour of the petitioner is accrued to approach the Court at this stage.

Dismissed at this stage.

24.9.2019
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No