

CWP-19180-1996

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19180-1996

Date of Decision:-05.03.2020.

Hardial Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Gurcharan Dass, Advocate for the petitioner.

Mr. LuvinderSofat, AAG, Punjab.

Mr. J.S. Toor, Advocate for respondent No.6.

SANJAY KUMAR, J. (Oral):

Challenge in this writ petition is to the orders dated 25.03.1996 (Annexure P-7 and P-8) passed by the Block Development and Panchayat Officer, Khanna, District Ludhiana. By the said orders, the Block Development and Panchayat Officer, Khanna, District Ludhiana, practically sat in review over the earlier order dated 18.12.1995 (Annexure P-6) passed by his predecessor-in-office.

The record reflects that the petitioner made a complaint in relation to certain alleged irregularities committed by the 6th respondent, the former Sarpanch of the Gram Panchayat of Village Cheema, Tehsil Payal, District, Ludhiana. On the strength of this complaint, proceedings were initiated under Section 216 of the Punjab Panchayati Raj Act, 1994 (hereinafter, 'the Act of 1994'), and the Block Development and Panchayat Officer, Khanna, passed the order dated 18.12.1995 (Annexure P-6), holding that the Sarpanch had caused loss to the Gram Panchayat to the tune of Rs.7,08,352.51/- and called upon him to remit the said amount,

failing which action would be initiated for recovering the same under the Land

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Revenue Act.

Be it noted that the aforestated order was passed on 18.12.1995 but the Sarpanch, having suffered the same, did not choose to file any appeal. While so, it appears that there was a change in office and the new Block Development and Panchayat Officer, Khanna, who succeeded to the office, re-opened the matter and held that the notice issued to the Sarpanch under Section 216 of Act of 1994 was beyond limitation. This is the import of his orders dated 25.03.1996.

Perusal of the statutory scheme reflects that no power of review vests in the Block Development and Panchayat Officer in the context of an exercise under Section 216 of the Act of 1994. Once an order is passed under the said provision, the only remedy for any person aggrieved thereby is to prefer an appeal under Section 216 (3) of the Act of 1994. Well settled is the legal proposition that no authority can assume unto itself the power of review as such power has to be specifically conferred by the statute itself. In that view of the matter, the later orders dated 25.03.1996 (Annexure P-7 and P-8) passed by the Block Development and Panchayat Officer, Khanna, are wholly bereft of jurisdiction.

The writ petition is accordingly allowed setting aside the order dated 25.03.1996 (Annexure P-7). In consequence, the later order of the same date (Annexure P-8) passed by the Block Development and Panchayat Officer, Khanna, is also set aside. The authorities shall take appropriate action on the strength of the earlier order dated 18.12.1995 (Annexure P-6) in accordance with the due procedure.

No order as to costs.

(SANJAY KUMAR)
JUDGE

March 05, 2020.

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Whether speaking/reasoned:-

Whether Reportable:-

Yes / No

Yes / No.