

215

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

CWP-8249-2020 (O&M)
Date of decision: 25.11.2020

Sonia

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lalit Yadav, Advocate for the petitioner.

Mr. Rohit Arya, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

The petitioner is an elected Sarpanch of Gram Panchayat Village Kharak Kadiyan, District Bhiwani. She was suspended on 18.03.2019 from the office of Sarpanch. An appeal filed against the same was dismissed.

On 18.06.2020, the following order was passed:-

“The case has been taken up for hearing through video conferencing.

The petitioner has filed the present petitioner under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 05.03.2020 whereby appeal filed by the petitioner praying for quashing of impugned order dated 18.03.2019 suspending her as Sarpanch of Gram Panchayat

of Village Kharak Kadiyan, District Bhiwani has been illegally dismissed and a writ in the nature of prohibition prohibiting the respondents from taking charge from the petitioner and a writ in the nature of mandamus directing the respondents to allow the petitioner to discharge her duties.

Notice of motion.

Notice regarding stay as well.

Mr. Gaurav Jindal, Addl. AG, Haryana accepts notice on behalf of the respondents.

Copy of the paper book has already been supplied to learned State Counsel by the Registry.

Learned State Counsel seeks time to file reply.

Adjourned to 16.07.2020”

On 10.08.2020, the following order was passed:-

“Heard through video conferencing.

Learned counsel for the petitioner contends that the petitioner, who was elected as a Sarpanch in the year 2016, on receipt of the demarcation report in February, 2019, had promptly moved an application under Section 7 of the Village Common Lands Act, 1961, for getting the illegal possession vacated. He also contends that prior to the demarcation report, there was nothing on record to suggest that Naseeb Singh, who is the father-in-law of the petitioner, was in illegal possession of the land.

Learned State counsel prays for more time to file reply.

May do so on or before the next date of hearing with an advance copy to learned counsel for the petitioner.

List on 05.10.2020.

The removal of the petitioner shall remain stayed till the next date of hearing.”

Mr. Rohit Arya, DAG, Haryana, admits that the suspension has been revoked and the petitioner has been reinstated in the office of Sarpanch w.e.f. 10.08.2020. However, he submits that the regular enquiry is pending.

The term of elected representatives of Gram Panchayats in the State of Haryana is coming to an end in January/February, 2021. As per proviso to Sub-Section 2 of Section 51 of the Haryana Panchayati Raj Act, 1994, an elected representative to the Gram Panchayat cannot be kept under suspension for a period more than one year except when the elected representative is involved in a criminal case involving moral turpitude. There are no allegations against the petitioner with regard to her involvement in a criminal case involving moral turpitude.

Keeping in view the aforesaid facts, the writ petition is disposed of with direction that she would be allowed to work/function as a Sarpanch subject to outcome of regular enquiry.

All the pending miscellaneous applications, if any, are disposed of, in view of the above-stated order.

25.11.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No