

CWP-11308 of 2020

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

CWP-11308 of 2020
Date of Decision: 06.08.2020

Jaswinder Kaur

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Mr. Vivek Chauhan, Advocate, for the petitioner.
Mr. Bhupender Beniwal, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this Civil Writ Petition under Article 226/227 of the Constitution of India prayer has been made for issuance of a writ in the nature of *mandamus* directing the official respondents to take appropriate action as per procedure mentioned by this Court in order dated 30.08.2019 passed in CWP No.22688 of 2019, against respondents No.6 to 11.

Learned counsel for the petitioner drew attention of this Court to certain procedure mentioned in order dated 30.08.2019 passed in CWP No.22688 of 2019 before appointment of an Administrator to run a panchayat, which is as under: -

“1. In case any Panch or Panches do not attend the meeting for two consecutive months without a reasonable cause, then he or she can be suspended

CWP-11308 of 2020

under Section 20(1)(d) of the Act.

2. In case Panch or Panches attends the meeting as called by Sarpanch, but do not agree with the development agenda, without any reasonable cause, then such Panch or Panches can be suspended under Section 20(1)(e) or (f) of the Act.

3. In case Panch or Panches attends the meeting and in case of equality of votes during such meeting, then in such case Sarpanch shall have the 'casting vote' as provided under Section 24(3) of the Act.

4. In case if Panch or Panches are attending the meeting, but Sarpanch fails to pass the resolution for the development of work, even after exercising his 'casting vote' by majority, then in such cases DDPO shall issue a notice to such Panchayat providing a time limit to discharge its duties and if at the expiry of such time provided for discharging the duties, the Sarpanch fails to carry out the work, in that eventuality, an Administrator shall be appointed by DDPO as provided under Section 200 of the Act.

5. Any person aggrieved from the appointment of the Administrator has a remedy to object as provided under Section 201 of the Act to higher authorities.”

Learned counsel *inter alia* contends that Administrator has wrongly been appointed without following above procedure. Petitioner moved representations dated 07.05.2019 and 10.07.2020 (Annexures P-3 and P-10) before the Director, Rural Development and Panchayat Department and District Development and Panchayat Officer, Patiala, respectively. However, authorities are sitting over the matter.

Heard.

CWP-11308 of 2020

Petitioner under the garb of present petition wants to stall the development work going on in the village through Administrator for the reasons best known to him, which cannot be permitted.

Dismissed.

August 06, 2020
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No