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

CWP-11679-2020

Date of Decision: 16.11.2020

Gurbinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Girish Agnihotri

Present : Ms. Sushma Chopra, Advocate
for the petitioner.

Mr. Suveer Sheokand, Addl. A.G. Punjab
for the respondent-State.

Mr. Vivek Chauhan, Advocate
for respondents No. 6 and.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in
Virtual Court).*

GIRISH AGNIHOTRI, J.(Oral)

Petitioner-Gurbinder Kaur stated to be aged about 45 years has filed the present writ petition, inter alia with a prayer to issue writ of mandamus, directing the official respondents to hand her over the charge of the Gram Panchayat Inowal, Block Shahkot, District Jalandhar, from the private respondent i.e. Paramjit Kaur wife of Surinder Singh, Ex-Sarpanch of Gram Panchayat Inowal.

Learned counsel for the petitioner based on pleadings in the petition submits that the present petitioner is a newly elected Sarpanch of Gram Panchayat Inowal, since 31.12.2018. By making reference to para 3 of

the petition, learned counsel submits that after the petitioner having been elected as Sarpanch, in order to discharge her duties as Sarpanch and in order to facilitate day to day functioning, she requires the record of Gram Panchayat Inowal.

Records of the case show that on 11.08.2020, this Court passed the following order:

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

Through this petition under Articles 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 get handover the charge of Gram Panchayat Inowal, Block Shahkot, District Jalandhar from respondent No.6 to the petitioner.

Notice of motion.

Mr. T.P.S. Chawla, DAG, Punjab, accepts notice on behalf of respondents No.1 to 5 and seeks time to file reply. Requisite number of copies of the paper-book be supplied to him during the course of the day.

Respondents No.6 and 7 be served for 30.09.2020 through ordinary process, registered post and dasti as well on furnishing requisite number of copies of the paper-book, registered cover, process fee and incidental expenses, if any, within a week.

In case of non-compliance of this order in its letter and spirit, this petition shall positively be dismissed for want of prosecution.

In the meanwhile, respondent No.5-BDPO is directed to take entire record of the Gram Panchayat Inowal, Block Shahkot, District Jalandhar from respondent No.7-Panchayat Secretary into his custody, failing which adverse inference shall be drawn against him.”

Today, on reassumed hearing of the case, learned counsel for

the petitioner makes reference to reply by way of affidavit of respondent No.5- Malkiat Singh-BDPO and Panchayat Officer, Block Shahkot, District Jalandhar.

Learned Additional Advocate General, Punjab submits that he has received telephonic instructions from Mr. Malkiat Singh-BDPO, Block Shahkot that the petitioner can approach/ contact respondent No.5 on any working day tomorrow onwards, and the record prayed for in the present writ petition shall be handed over to the petitioner.

In view of the above, since the substantive relief has been granted to the petitioner, the writ petition is disposed of with the directions that if the petitioner approaches respondent No.5, the respondent No.5 as instructed by Mr. Malkiat Singh-BDPO to the learned State counsel, the records as prayed for in the present writ petition shall be handed over to the petitioner.

Learned State counsel at this stage, submits that once the records are handed over to the petitioner, it shall henceforth be the responsibility of the petitioner to produce the records if at all required by any authority in accordance with law.

The present writ petition stands disposed of with the above observations.

(GIRISH AGNIHOTRI)
JUDGE

16.11.2020
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No