

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

111

**CWP No.12630 of 2020
Date of Decision: 25.8.2020**

RAKESH KUMAR

..... Petitioner
Vs

STATE OF PUNJAB AND ORS

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr.Vinod K.Kaushal, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

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

Petitioner has prayed for issuance of appropriate writ in the nature of mandamus directing respondents No.1 to 5 to take appropriate action against respondents No.6 and 7 as per the provisions of Punjab Panchayati Raj Act, 1994.

Learned counsel for the petitioner contends that petitioner is resident of village Badesron, Tehsil Garhshankar, District Hoshiarpur. He is competent to espouse the cause of the gram panchayat. Respondents No.6 and 7 being sarpanch and panch respectively of the gram panchayat have illegally excavated the soil and have sold the same by misusing their

posts and powers. Respondent No.5 i.e. Block Development and Panchayat Officer has also endorsed the factum of illegal excavation of soil by respondents No.6 and 7. They have not deposited the income derived from such event with the panchayat office. Block Development and Panchayat Officer has already written to the Additional Deputy Commissioner (D), Hoshiarpur in the aforesaid context, but no action has been taken so far. Petitioner has also moved a representation before respondent No.3 on 3.6.2020 and legal notice to respondent No.4 on 15.7.2020, but the respondents have not taken any lawful action against respondents No.6 and 7.

Notice of motion.

On the asking of the Court, Mr.T.P.S.Chawla, DAG, Punjab accepts notice on behalf of respondents No.1 to 5.

In view of nature of order which this Court proposes to pass, there is no necessity of calling upon any response from the respondents as no order prejudicial to interest of any party is being passed.

In view of above, without meaning anything on the merits of the case, this petition is disposed of by directing respondent No.3 to have a fair look on the representation/ legal notice filed by the petitioner and decide the same in accordance with law without being influenced by any statement of fact recorded herein above. It would be appreciated if the

representation/ legal notice filed by the petitioner is decided within a period of two month from the date of receipt of certified copy of this order.

(RAJ MOHAN SINGH)
JUDGE

August 25, 2020

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- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No