

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

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CWP-16300-2020(O&M)
Date of Order: 26.11.2020

AJIT SINGH

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate,
for the petitioner.**

Mr. Samarth Sagar, Addl. A.G Haryana

**Mr. S.K.Dhanda, Advocate, for
Mr. R.K.Arya, Advocate
for respondent no.3.**

ANIL KSHETARPAL, J (ORAL)

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition, the petitioner has invoked the extra-ordinary jurisdiction of this Court, with the following substantive prayer:-

“Issue a writ in the nature of Mandamus directing the No.2 to remove the respondent No.3 from the post of Sarpanch as he has embezzled an amount of Rs.6654653/- which has come in inquiry dated 22.02.2017 (Annexure P-1) and despite that no action has been taken and further to take action on the inquiry dated 22.02.2017 and application dated 24.08.2020 (Annexure P-5) within some specified time.”

On 16.11.2020, the following order was passed:-

“Ms. Kirti Singh, Deputy Advocate General, Haryana, has informed the Court that an FIR for embezzlement of an amount of ₹66,54,653/-, was

registered, against respondent No.3, the then Sarpanch, wherein he has been granted pre-arrest bail.

On a court question as to what steps have been taken to recover the alleged embezzled amount, the learned Deputy Advocate General, Haryana, is unable to give any satisfactory reply. It has been noticed that in the inquiry dated 22.02.2017, an amount of ₹66,54,653/-, was found to have been embezzled by the then Sarpanch,. There is no explanation as to why no steps were taken to recover the amount for a period of more than three years.

Keeping in view the aforesaid facts, let the Deputy Commissioner, Jhajjar, file an affidavit explaining the reasons thereof. If no affidavit is filed before the next date of hearing, the Principal Secretarycum-Financial Commissioner, Department of Rural Development and Panchayat, shall be required to remain present through video conferencing, on the next date of hearing.

List on 26.11.2020.”

In response to the aforesaid order, the learned Deputy Commissioner, Jhajjar, has filed an affidavit dated 24.11.2020. Paragraphs 2, 3, 4 and 5, of the affidavit dated 24.11.2020, reads as under:-

- “2. That an enquiry was conducted against the respondent no.3 by the City Magistrate, Jhajjar in respect of expenditure and work carried out by the respondent no.3, during his tenure as Sarpanch of Vill. Daboda Khurd Distt. Jhajjar. In said enquiry report(Annexure P-1), the respondent no.3 found embezzled an amount of Rs.66,54,653/- from the Panchayat fund. The said report was submitted by the enquiry officer to the office of Deputy Commissioner, Jhajjar.
3. That on this vide letter no.1245 dated 9.3.2017 the Block Development and Panchayat Officer, Bahadurgarh was directed by the then Deputy Commissioner Jhajjar to lodge an FIR against the respondent no.3 and other persons involved in said embezzlement and also to get recovered the embezzled amount as per the provision of Section 53(2) of Haryana Panchayati Raj Act, 1994.
4. That accordingly the FIR bearing No.137 dated 15.3.2017, U/S 406/420/120B IPC was got registered in police station Sadar Bahadurgarh, against respondent no.3. Various notices were issued to the respondent no.3 by the Block Development and Panchayat Officer, Bahadurgarh for making the payment of aforesaid embezzled amount. But the respondent no.3 has not

deposited the same and hence, ultimately, The District Revenue Officer, Jhajjar has been directed by the deponent to get declare the above amount as land revenue, so that the same can be recovered from the property of respondent no.3. Further Tehsildar Bahadurgarh also has been directed to get the same recovered accordingly.

5. *That every endeavour to get recovered the said amount is being carried out and there would not be reluctance for the same. The same would be concluded on urgent basis.”*

Respondent no.3 is not a Sarpanch but he is an Ex. Sarpanch.

Keeping in view the aforesaid stand, this writ petition has become infructuous and is disposed of as such.

November 26, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No