

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

CWP-16861-2020
Date of decision: 13.10.2020

Jasvir Kaur

.....Petitioner.

vs.

State of Punjab and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Sumeet Puri, Advocate, for the petitioner.

Mr. Navdeep Chhabra, Deputy Advocate General, Punjab.

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Sanjay Kumar, J. (ORAL)

The petitioner is the Sarpanch of the Gram Panchayat of Village Changali, Tehsil Dhuri, District Sangrur. She seeks a writ of mandamus to the authorities of the Panchayat Department of the State of Punjab to consider and decide her legal notice dated 01.07.2020.

Perusal of the said notice reflects that the petitioner complained about the lack of co-operation on the part of some of the Panches and asked for necessary legal action to be taken against them. This legal notice seems to have been followed by the notice issued by the Block Development and Panchayat Officer (BDPO), Sherpur, District Sangrur, to the petitioner on 28.09.2020. Thereby, the BDPO cautioned the petitioner that in the event grants were not utilized for development works, they should be returned within one month. Details of the grants amounting to ₹ 10.22 lakh were also furnished therein.

In the event the petitioner is not in a position to secure the co-operation of the Panches, due procedure is prescribed in the Punjab Panchayati Raj Act, 1994 (for short, 'the Act of 1994') to address such a situation. There is no evidence of the petitioner having taken any steps in that regard. In any event, the petitioner cannot get issued a legal notice in the manner that she has done.

The Gram Panchayat, as a body, has to utilize the grants released for development works. When it is not in a position to do so, be it for whatever reason, the petitioner cannot get issued legal notices to the authorities asking them to take necessary action, without following the procedure prescribed under the Act of 1994. This Court therefore finds no grounds to accept the prayer of the petitioner.

The writ petition is accordingly dismissed leaving it open to the petitioner to submit her response to the notice dated 28.09.2020 issued by the BDPO, Sherpur, District Sangrur, and to take recourse to the procedure set out in the Act of 1994, if she has any other grievance.

No order as to costs.

(SANJAY KUMAR)
JUDGE

13.10.2020

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no