

CM-3785-CWP-2021;
CM-3787-CWP-2021 in/and
CWP-3492-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-3785-CWP-2021; in/and
CM-3787-CWP-2021 in/and
CWP-3492-2021
Date of decision: - 09.03.2021

Narinder Singh and another

....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Judgepreet Singh Warring, Advocate
for the applicants-petitioners.

Ms. Sunint Kaur, Assistant Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI, J. (ORAL)

CM-3785-CWP-2021

Present application has been filed for placing on record the
copies of resolutions as Annexure P-5 (Colly.)

Application is allowed, as prayed for. Copies of resolutions
(Annexure P-5 (Colly.)) are taken on record.

CM-3787-CWP-2021

Present application has been filed by the applicants-
petitioners for staying the operation of the impugned order dated

29.01.2021 (Annexure P-4).

Learned counsel for the applicants-petitioners submits that he does not press the prayer for stay and prays that hearing of the main writ petition be preponed from 17.03.2021 to today and the main writ petition be heard.

The prayer of the applicants-petitioners with regard to preponing the hearing of the main writ petition is accepted and the hearing of the main writ petition is preponed from 17.03.2021 to today.

CM is disposed of in above terms.

CWP-3492-2021

Learned counsel for the petitioners argues that rather than holding the elections to the wards, which are not being represented by the elected representatives, an administrator has been appointment so as to curtail the jurisdiction of the gram panchayat for the execution of the development works, which are necessary for the development of the area.

Learned counsel for the petitioners argues that even if it is assumed for the sake of argument that the petitioners do not carry the majority as of now, still, the execution of the works cannot be done at the whims and fancies of the administrator without consultation of the elected representatives so as to decide which development works needs to be given priority over others. Learned counsel for the petitioners further submits that even if the administrator has to execute the works, he has to take into consideration the view of the elected representatives of the gram panchayat i.e. the petitioners.

Notice of motion.

Keeping in view the advance copy given, Ms. Sunint Kaur, Assistant Advocate General, Punjab, accepts notice on behalf of the respondents-State.

Learned State counsel submits that in case the petitioners files any representation raising the said grievance before the competent authority, the same will be considered with open mind and the appropriate speaking order will be passed on the said claim within a period of two weeks from the date of receipt of the said representation and in case the claim raised by the petitioners in the representation is found worth acceptance, the works sought to be executed by the petitioners, will also be got executed by the administrator.

Learned counsel for the petitioners submits that keeping in view the statement given by learned State counsel, the grievance of the petitioners stands redressed and they do not want to press this writ petition any further and seeks liberty to approach the respondents qua the filing of the appropriate representation by raising their claim.

Disposed of, having not been pressed, with liberty as prayed for.

It is made clear that the respondents will be bound by their statement, recorded herein above.

(HARSIMRAN SINGH SETHI)

JUDGE

March 09, 2021

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Whether reasoned/speaking?

Yes

Whether reportable?

No