

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

.....

CWP No.4873 of 2021

Date of decision: 2nd March, 2021

Rihana and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

.....

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

.....

Present: Mr. Sanjeev Kumar Bawa, Advocates for the petitioners.

Mr. S.S. Pannu, Deputy Advocate General, Haryana for
respondents No.1 to 4.

.....

MEENAKSHI I. MEHTA, J. (ORAL):

By way of this petition, the petitioners seek the indulgence of this Court for issuance of a writ in the nature of mandamus directing the official respondents to initiate the inquiry against respondent No.5, the Sarpanch of Village Dondal, Block Pinangwan, Tehsil Punhana, District Nuh, Haryana, for forging the signatures of the Members of the Gram Panchayat and thereby, siphoning off and misappropriating the public funds and also to conclude the same and/or to direct respondent No.3 to decide the show cause notice as issued to respondent No.5 in this regard, in a time bound manner.

2. Bereft of unnecessary details, the averments, as set-forth by the petitioners in this petition, are that respondent No.5 had been elected as the Sarpanch whereas they, along-with two more persons, were elected as Panches/Members of the Gram Panchayat of the said Village. Thereafter, a criminal case had been registered against respondent No.5 under Sections 420, 467, 468, 471 IPC vide FIR No.479 dated 27.12.2017 at the instance of Sub Divisional Officer (C), Punhana, on the basis of the complaint moved by Member Panchayat named Hasim, i.e. present petitioner No.4, but despite this fact, the official respondents have not taken any action against the said respondent and have, rather, slept over this matter.

3. Mr. S.S. Pannu, learned Deputy Advocate General, Haryana, has joined the proceedings on behalf of respondents No.1 to 4, in pursuance of the copies of this petition having been sent to the respondent-State in advance. He informs the Court that the tenure of all the Gram Panchayats in the State of Haryana has already lapsed/expired and the charge of the posts of Sarpanches has also been handed over by/taken from all the Sarpanches in the State.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition, at the preliminary stage and have gone through the file thoroughly.

5. Learned counsel for the petitioners submits that in spite of the registration of the afore-mentioned FIR against respondent No.5, the official respondents are not taking the necessary and appropriate action against him and thus, the petitioners are aggrieved on account of the said inaction on

their (official respondents') part over this matter.

6. Per contra, learned State counsel appearing for respondents No.1 to 4 argues that respondent No.5 has already been served a show cause notice by respondent No.3 and the matter is being looked into in accordance with the relevant provisions of law/rules and hence, the petitioners have no occasion to file the present petition.

7. As apprised by learned State counsel, respondent No.5 no more holds the post of the Sarpanch of the above-said Village as the tenure for the said posts, throughout in the State, has already come to an end. Moreover, Annexure P-10 is the Show Cause notice dated 12th October, 2020 issued by respondent No.3 to respondent No.5 asking him therein to show cause as to why the disciplinary proceedings be not initiated against him, meaning thereby that the official respondents have already resorted to the relevant provisions of law for initiating disciplinary action against respondent No.5. Further, Annexure P-11 is the copy of the application dated 27th January, 2021, moved by the petitioners, along-with another Member Panchayat named Farid, to respondent No.3 for taking legal action against respondent No.5 and Annexure P-12 is the copy of the letter as sent by respondent No.3 on the very next day, i.e. 28th January, 2021, to respondent No.5 intimating him that the reply, as submitted by him (said respondent) to the aforementioned Show Cause notice, was not found to be satisfactory and further directing him to appear before him (respondent No.3) on 4th February, 2021 for personal hearing. In the light of above-referred documents, it cannot be inferred at all, at this stage, that the official respondents have not adopted

the proper legal procedure for taking suitable and requisite action against respondent No.5.

8. As a sequel to the foregoing discussion, it follows that the present petition is premature and the facts and circumstances, as narrated therein by the petitioners, do not afford a plausible ground to them, at this stage, to seek the relief as claimed therein. Resultantly, this petition stands dismissed accordingly.

March 02, 2021.

(MEENAKSHI I. MEHTA)
JUDGE

hsp

NOTE:

Whether speaking/reasoned?

Yes/No

Whether Reportable?

Yes/No