

CWP-5293-2021 (O&M)

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

**CWP-5293-2021 (O&M).
Decided on: March 5, 2021.**

Kirna Rani

.. Petitioner

VERSUS

State of Punjab and others

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Rishu Garg, Advocate,
 for the petitioner.**

JASGURPREET SINGH PURI, J. (ORAL)

Through Video Conference

The present writ petition has been filed under Article 226/227 of the Constitution of India praying for issuance of an appropriate writ, order or direction especially in the nature of ***mandamus*** directing the official respondent Nos.3 to 5 not to use the panchayat funds through respondent No.6.

The learned counsel for the petitioner has submitted she was Sarpanch of village Alike, Block Phul, District Bathinda and vide Annexure P-3, she has been suspended from the post of Sarpanch on 4.1.2021, by the Director, Rural Development and Panchayat Department,

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Punjab and she has also filed an appeal against the same before the learned Financial Commissioner, Department of Rural Development and Panchayat, Punjab, which is pending. He has submitted that various funds were allocated to the Gram Panchayat and since the petitioner is now suspended, a direction may be issued to the official respondents that such funds be not utilised through unauthorised person i.e. respondent No.6, who is the panch of village.

Notice of motion to respondent Nos.1 to 5.

Ms.Anu Chatrath, Addl. A.G. Punjab, assisted by Aditya Sharda, Asstt. A.G. Punjab, accepts notice on behalf of respondent Nos.1 to 5 and states that she has received an advance copy of the petition.

I have heard the learned counsel for the parties.

So far as the prayer of the petitioner that funds of Gram Panchayat should not be utilised by any other person in view of the fact that her appeal against suspension is pending, the same cannot sustain as once the petitioner is suspended, the development work of the village cannot be stopped and no direction can be issued that funds should not be utilised during pendency of the appeal of the petitioner. However, the prayer of the petitioner that funds should not be utilised through an unauthorised person deserves to be considered.

The only limited question which survives in the present petition is that the funds of the Gram Panchayat should not be utilised in an unauthorised manner through an unauthorised person or authority. The learned State counsel has submitted that there is nothing to show that the funds are being utilised by any unauthorised person, and she has no

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objection in case appropriate directions are issued that the funds would not be utilised by any unauthorised person/authority.

In view of above, the present petition is disposed of with a direction to respondent Nos.2 to 5, to ensure that the funds of Gram Panchayat village Alike, Block Phul, District Bathinda are not utilised by any unauthorised person/authority.

**March 5, 2021,
raj arora**

**(JASGURPREET SINGH PURI)
JUDGE**

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