

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

CWP-5740-2021 (O&M)

Date of decision : 12.03.2021

Raj Kumari

... Petitioner(s)

Versus

State of Punjab and others

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

Prayer in the present Civil Writ Petition under Articles 226/227 of the Constitution of India *inter alia* is to complete the enquiry in the matter as directed by respondent No.2 vide order dated 24.01.2020 (Annexure P-4).

The facts relevant to the present case are that the petitioner had contested the Panchayat elections held on 30.12.2018 for the post of Sarpanch and during this election another candidate i.e. Baldev Singh (respondent No.6) had also contested for the post of Sarpanch.

It is further the averment in the petition that at the time of filing of nomination papers, Baldev Singh (respondent No.6) had stated under oath that he is not in illegal possession of any Panchayat land or Government Buildings. The said Baldev Singh (respondent No.6) is stated to have won the election and now serving as Sarpanch. However, the case set up in the petition is that Baldev Singh (respondent No.6) had given false information under oath at the time of filing his nomination and in fact he is in illegal occupation of Panchayat land measuring 7 kanals 4 marlas comprised in Khasra No.20 Khewat No.61/59 Khatauni No.94 which is a '*raste sare aam*' as depicted in the jamabandi for the year 2014-15.

Learned counsel for the petitioner would contend that as per the provisions of Section 208 of the Punjab Panchayati Raj Act, 1994, act of having illegally encroached upon land would disqualify Baldev Singh (respondent No.6) from contesting the election for the post of Sarpanch. She would further contend that vide legal notice dated 18.01.2019 (Annexure P-2), the petitioner requested for a fair and impartial enquiry into the matter. However, since no reply was received, a reminder to the legal notice was sent on 27.11.2019. In reply to the said reminder, respondent No.2 vide order dated 24.01.2020 had directed respondent No.4 to conduct investigation, allegations/charges wise enquiry and a report be sent within 30 days. She would further contend that till date there is no such enquiry, despite specific directions by respondent No.2 in this regard.

Learned counsel for the petitioner states that at this stage the petitioner would be satisfied if a direction is issued to respondent No.4 to conduct the enquiry as directed vide order dated 24.01.2020 (Annexure P-4) in a time-bound manner.

Notice of Motion.

On the asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab, accepts notice on behalf of respondent Nos.1 to 5/State. Since the case is not being decided on merits, the service of the remaining respondent No.6 is dispensed with.

Keeping in view the limited prayer made by learned counsel for the petitioner, the present petition is disposed off, without commenting on the merits of the case, with a direction to respondent No.4 to conduct the enquiry as directed vide order dated 24.01.2020 (Annexure P-4) in accordance with law expeditiously and in any case within a period of two months from the date of receipt of certified copy of this order.

Disposed off.

12.03.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO