

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

CWP-8943-2021(O&M)

Date of decision: 26.08.2021

Sherbaj Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. V.K.Sandhir, Advocate for the petitioner

Ms. Sunint Kaur, AAG, Punjab

Mr. A.P.Kaushal, Advocate for the caveator

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this writ petition, the petitioner assails the correctness of the orders passed on 25.01.2021 and 25.03.2021.

On 07.05.2021, the following order was passed by this Court:-

“CM No.6513-CWP of 2021

For the reasons mentioned in the application, the Applicant/ Petitioner is permitted to place on record copy of the Panchayat Resolution dated 30th June, 2020 (Annexure P-7).

Application stands disposed off.

CWP No.8943 of 2021

Ld. Counsel for the Petitioner draws attention of the Court to the Resolution dated 30th June, 2020 (Annexure P-7) of the Village Panchayat and specifically to the signature of the BDPO Mr. Paramjit Singh which is seen

in the margin of its vernacular version with the endorsement in Punjabi '*parwan hai*'.

Ld. Counsel further draws attention of the Court to Annexure P-2 which happens to be the Communication dated 9th July, 2020 conveying the Report regarding the auction of the Shamlat Land of the Gram Panchayat, Abhun for the year 2021 in which it has been specifically mentioned that the auction was held under the supervision of the said BDPO Mr. Paramjit Singh. In this manner, it is contended that the impugned order is manifestly incorrect as well as motivated, since the Petitioner has been wrongfully divested from his status as the Sarpanch by holding that the auction was conducted by him secretly, even though the same was done specifically under the physical supervision of the authorized officer i.e. Block Development and Panchayat Officer.

Notice of motion.

Mr. Ajay Pal S. Gill, AAG, Punjab to accept notice on behalf of Respondents No.1 to 4. Requisite number of copies of the paper-book be handed over to him.

Adjourned to 26.08.2021.

Operation of the impugned order shall remain stayed, in the meantime”.

Ms.Sunint Kaur, AAG, Punjab, admits that the appeal filed by the petitioner is pending before the Secretary, Department of Rural Development and Panchayat, Punjab, for 02.09.2021. She assures the Court that the Presiding Officer will make sincere efforts to dispose of the pending appeal on 02.09.2021 or within a period of one week thereafter.

Keeping in view the aforesaid stand taken by the learned State counsel, the writ petition is disposed of with the observation that interim order dated 07.05.2021 shall continue to operate till disposal of the appeal by the Secretary, Department of Rural Development and

Panchayat, Punjab.

Disposed of.

All the pending miscellaneous applications, if any, are also
disposed of.

26.08.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE