

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 15007 of 2021

Date of Decision: 09.08.2021

Baljinder Kaur and Another

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jasinder Singh Thind, Advocate
for the petitioner(s).

Ms. Kanica Sachdeva, Assistant Advocate General,
Punjab, for respondent No.1 to 5.

Anil Kshetarpal, J.

1. Through this petition, the petitioners pray for issuance of a writ in the nature of certiorari to quash the order dated 08.06.2021, passed by respondent No.2-Director-cum-Secretary, Department of Rural Development and Panchayats, Punjab and order dated 31.03.2021, passed by respondent No.4-District Development and Panchayat Officer, Tarn Taran. The petitioners, in essence, claim that respondent No.6, the elected Sarpanch of the Gram Panchayat has forged a resolution and has committed certain illegalities. The petitioners filed CRM-M-28570-2020, which was disposed of on 22.09.2020, with the following directions:-

“Case is taken up for hearing through video conferencing.

This petition has been filed under Section 482

Cr.P.C. for seeking direction to conduct the proper investigation

by official respondents No.3 and 4 against the Sarpanch of the Panchayat i.e. Jagjeet Singh-respondent No.5.

Learned counsel for the petitioners states that petitioner No.1- Baljinder Kaur is a Member Panchayat and petitioner No.2-Davinder Singh is her husband. Respondent No.5-Jagjeet Singh, Sarpanch of the village has passed a resolution dated 01.06.2020 with the majority of the Panchayati Members but the signatures of one of the Panchayat Member namely Virsa Singh has been forged on the said resolution. As the Coram was not complete and Virsa Singh was not in India at that time, the resolution dated 01.06.2020 is forged and fabricated document which is liable to be set aside. The petitioner has moved an application to DDPO, District Tarn Taran and another application to the BDPO, Gandiwind, dated 18.08.2020, but till date no action has been taken on the representation made by the petitioners.

Notice of motion.

On the asking of this Court, Mr. Amit Mehta, Sr. DAG, Punjab accepts notice on behalf of the respondents-State and has pointed out that the Director, Rural Development and Panchayat is empower to cancel the resolution under Section 199 of the Punjab Panchayati Raj Act, 1994.

Keeping in view the above facts, if the petitioners move an application before the Director, Rural Development and Panchayat, Punjab within a period of 15 days from today,

the said application will be looked into and shall be decided within one month from the date of receipt of the application, in accordance with law.

The present petition is disposed of accordingly”.

From the reading of the order passed by the Director, it is apparent that the complaint submitted by the petitioners has been got investigated and the Director has himself seen the record. It has been found that the alleged forged resolution dated 01.06.2020 is not a part of the resolution book. Thus, the Director has terminated the proceedings.

Learned counsel representing the petitioners contends that the Director has failed to appreciate the facts as the resolution dated 01.06.2020 bears the signatures of Virsa Singh who was not present in the country at the relevant time.

Be that as it may. Once the resolution dated 01.06.2020 is not a part of the resolution book, therefore, the Director has closed the proceedings accordingly. If the petitioners still have a grievance, they may avail an alternative remedy.

In the facts of the present case, this Bench is not inclined to exercise its extraordinary jurisdiction. Hence, the present petition is dismissed.

(Anil Kshetarpal)
Judge

August 09, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No