

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

ASHOK KUMAR
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CWP-19799-2021 (O&M)

Date of decision: 30.09.2021

GURPARTAP SINGH KHOSA AND ANOTHER

..Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present- Mr. Parampreet S. Brar, Advocate for the petitioners.
Ms. Sunint Kaur, AAG, Punjab.

ANIL KSHETARPAL, J (Oral)

The petitioners assail the correctness of the order passed by the learned Additional Chief Secretary to Government of Punjab, Department of Rural Development and Panchayats, while ordering reinstatement of the Sarpanch. The Sarpanch-respondent No.8 was suspended by the Director vide an order dated 03.05.2021 on the two grounds. Firstly, the Sarpanch has dug out soil from the Panchayat land without approval and secondly, the Sarpanch made off with the aforesaid soil. During the pendency of the appeal, the learned Additional Chief Secretary sought report from the Block Development and Panchayat Officer, Dharamkot. Wherein, it was reported that the soil excavated from the land meant for the construction of pond has been used at various common places. Learned Additional Chief Secretary, on the basis of report and after finding that the Sarpanch had been duly authorised by resolution No.3 dated 16.07.2020 to get the work carried out, ordered revocation of the order of her suspension.

Learned counsel representing the petitioners contends that the Additional Chief Secretary has overlooked the report of the Joint Director (Annexure P2). On a careful reading of the order, it is evident that the report of the Joint Director has been noticed by the Additional Chief Secretary while noticing the contention of learned counsel appearing for the caveator. Moreover, the Block Development and Panchayat Officer, on the directions of the learned Additional Chief Secretary, has inspected the site along with the Assistant Engineer and found out that the soil excavated from the Panchayat land meant for the construction of pond has been used for levelling the park opposite Sewa Kendra, Government High School. Even the quantity of earth excavated from the pond and used for common purposes on measurement was found in order.

In view thereof, no ground to interfere in the impugned order is made out.

Dismissed.

All the pending miscellaneous application(s), if any, are also disposed of.

30.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE