

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

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**CWP-23949-2021 (O&M)
Date of decision: 25.11.2021**

JASWINDER SINGH

...Petitioner

Versus

**DEPUTY COMMISSIONER, DISTRICT KARNAL
AND ORS**

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Anshul Mangla, Advocate,
for the petitioner.**

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of mandamus directing respondent no.1 to 3 to initiate action against respondent no.4 regarding misappropriation/embezzlement of panchayat funds and the record. In essence, the petitioner claims that on the basis of Annual Audit Report dated 13.09.2017, the official respondents be directed to take steps to recover the amount in accordance with the audit report.

The writ petition has been filed on 23.11.2021. Respondent no.4 was Sarpanch of the Gram Panchayat during the years 2010 to 2015.

The learned counsel representing the petitioner admits that till date no show cause notice has been issued to respondent no.4. As per sub-Section (5) of Section 53 of the Haryana Panchayati Raj Act, 1994, an elected office bearer can be called upon to explain why he should not be required to make good, any loss within a period of 6 years from the date of occurrence of the loss, waste or misapplication or within 2 years from the date of ceasing to be a Sarpanch, whichever is earlier. Now the 6 years

from such occurrence have elapsed. *Prima-facie*, no action can be taken for recovery of the amount, unless proceedings were initiated within the meaning of Section 53 of the Haryana Panchayati Raj Act, 1994, within the time prescribed. However, no final opinion on the aforesaid aspect is being expressed. Furthermore, at present respondent no.4 is not holding any office for the last 6 years.

Keeping in view the aforesaid facts, the petitioner has more than one alternative remedies to redress his grievance.

In view thereof, the writ petition is disposed of.

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

November 25, 2021
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(ANIL KSHETARPAL)
JUDGE

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