

[103] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

COCN No.30 of 2020

Date of Decision : 11.05.2022

Lokender Singh

...Petitioner

versus

Sushil Sarwan, IAS, Director Deptt. Of Development
& Panchayat, Haryana, Haryana Panchayat Bhawan,
Madhya Marg, Chandigarh.

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Manoj K. Tanwar, Advocate
for the petitioner.

Mr. Pawan Kumar Longia, DAG, Haryana.

B.S. Walia, J. (Oral)

[1] Prayer in the petition is for initiating action against the respondent for intentional and willful defiance of order (Annexure P-1) dated 27.05.2019 in CWP No.2659 of 2018 in case titled as 'Lokender Singh and others versus State of Haryana and others'.

[2] A perusal of order (Annexure P-1) reveals that CWP No.2659 of 2018 was disposed of with a direction to the respondent to take appropriate action on report dated 10.12.2018 submitted to BDPO, Kanina and further examination with regard to embezzlement, if any made by respondent No.6 in accordance with law within six weeks from the date of receipt of certified copy of the judgment.

[3] Learned DAG, Haryana, refers to reply (Annexure R-1) i.e. order passed by the respondent, as per which the

Collector, Mahendergarh at Narnaul directed Tehsildar, Kanina to

recover Rs.6,61,370/- from Shri Satbir Singh, Ex-Sarpanch, Gram Panchayat, Pota, as an arrear of land revenue on receipt of report dated 10.12.2018 from the Sub Divisional Officer, Kanina.

[4] Learned counsel for the petitioner contends that the respondent has failed to register a criminal case against Sh. Satbir Singh, Ex-Sarpanch, Gram Panchayat, Pota.

[5] *Per contra*, learned DAG, Haryana, contends that the writ petition was disposed of with a direction to the Director, Department of Development & Panchayat, Haryana, to take appropriate action on the report dated 10.12.2018 and the same has culminated in issuance of recovery certificate under the Land Revenue Act and in case the petitioner is aggrieved against the decision taken by the respondent, it is always open to the respondent to take out appropriate proceedings in accordance with law to show that in the facts and circumstances of the case, a criminal case is liable to be registered against the Ex-Sarpanch and that the instant petition is nothing but an abuse of the process of law, consequentially, the same is liable to be dismissed with exemplary costs.

[6] I have considered the submission's of learned counsel.

[7] Admittedly, while disposing of CWP No.2659 of 2018, directions to the Director, Department of Development & Panchayat, Haryana, were to take appropriate action on report dated 10.12.2018. Pursuant to report received from the Sub Divisional Officer (PR), Kanina to Block Development and Panchayat Officer, Kanina, notice was issued on 18.03.2019 under Sections 53(1) of the Haryana Panchayati Raj Act,

him to deposit Rs.6,61,370/- in Gram Panchayat Fund along with 21% interest. On failure of the Ex-Sarpanch to deposit the aforesaid amount despite reminder and grant of opportunity to the petitioner as well as to the Block Development and Panchayat Officer, Kanina vide letter dated 12.06.2020, Collector, Mahendergarh at Narnaul vide letter No.372/DRA dated 03.06.2020 directed the Tehsildar, Kanina to recover Rs.6,61,370/- from Shri Satbir Singh, Ex-Sarpanch, Gram Panchayat, Pota as an arrear of land revenue. Reply also mentions that despite opportunity of hearing afforded to the petitioner for 18.06.2020, the petitioner did not avail the same.

[8] In view of the position noted above, I am of the view that no action is called for against the respondent under the Contempt of Courts Act, 1971. The contempt petition is accordingly *disposed of* as such. However, liberty is granted to the petitioner to take out appropriate proceedings in accordance with law for seeking of such other action against the Ex-Sarpanch, Gram Panchayat, Pota as he claims ought to have been taken, if so advised.

(B.S. Walia)
Judge

11.05.2022

'Rajneesh'

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