

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.4092 of 2022(O&M)

Date of decision:07.03.2022

Jagseer Singh alias Jagsir Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ravish Bansal, Advocate, for the petitioners.
Mr. Nikhil Chopra, Addl.A.G., Punjab

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of certiorari to set aside the order dated 23.09.2021, passed by the Additional Chief Secretary to Government of Punjab, Department of Rural Development and Panchayats, while setting aside the order of suspension of an elected Sarpanch passed by the Director. In substance, the allegations against the Sarpanch are that he has cut and removed 7 trees without the permission of the Deputy Commissioner.

The learned Additional Chief Secretary while passing the order has observed that the alleged trees were standing in the area of Gurudwara Sahib of Shri Guru Teg Bahadur Patshahi Navi, Village Bhunder Bhaini, which is being controlled and managed by a duly elected body.

The suspension is only a step towards the conclusion of proceedings under Section 20 of the Punjab Panchayati Raj Act, 1994.

The learned counsel representing the petitioner contends that

the Additional Chief Secretary has recorded a finding that those 7 trees were standing in the area of Gurudwara Sahib which were cut and removed by the Managing Committee.

In the considered view of the Court, this matter can be decided effectively only after conclusion of the regular inquiry. The Additional Chief Secretary has made the observations on the basis of the prima-facie material which has come on record. Such observations are not binding when a regular inquiry in the matter is being held.

With these observations, no ground to exercise the writ jurisdiction of the Court is made out.

Dismissed.

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

March 07, 2022
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No