

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(132)

CWP-1859-2023
Date of decision: - 31.01.2023

Sucha Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Hardeep Singh, Advocate,
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondents No.1 to 4.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondents No.1 to 4 to conduct an inquiry and to take action under Sections 20 and 208 of the Punjab Panchayati Raj Act, 1994 (for short 'the Act') against respondents No.5 to 9, i.e., the panch and the members of panchyat of village Jakhepal, Tehsil Rajpura, District Patiala, who are said to be in illegal and unauthorized occupation of shamlat land.

Learned counsel for the petitioner has submitted that the petitioner has moved an application dated 15.11.2022, in which, he has detailed facts with respect to the illegal occupation of shamlat land by respondents No.5 to 8 and in the said representation, a prayer has been

made for taking appropriate action against them. It is further submitted that under the provisions of Section 20 of the Act, the Director has the power to suspend and remove a Panch on the grounds which have been enumerated in the said section. It is further submitted that one of the grounds for suspension and removal of a Panch under Section 20, is the disqualification occasioned under Section 208 of the Act and as per Section 208(1)(k), a person who is in unauthorized occupation of property belonging to any local authority can be disqualified. It is stated that the petitioner, who is the Sarpanch, has brought the said facts to the notice of the Director, who is the competent authority to take action against under Section 20 of the Act.

Learned State counsel appearing for respondents No.1 to 4 has submitted that the power of suspension and removal under Section 20 is an enabling power and the same would not give a right to the petitioner to seek the suspension and removal of the Sarpanch or Panch. However, since the power is vested with the Director to order an enquiry, thus, the Director would look into the representation dated 15.11.2022, in accordance with law and in case, respondent No.2 is of the opinion that any action is required to be taken with respect to the same, then the same would be taken, in accordance with law after following the principles of natural justice.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent No.2 to look into the representation dated 15.11.2022 (Annexure P-9) and in case, after looking into the said representation and making necessary enquiry,

respondent No.2 is of the opinion that any action is required to be taken in the matter, then the same be done, in accordance with law and after giving the opportunity of hearing to respondents No.5 to 8.

January 31, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No