

CWP-2436-2020

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

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CWP-2436-2020

Date of Decision: 19.12.2023

Dalbir Singh

...Petitioner

Versus

Director Rural Development Panchayat Department Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. R.S. Chauhan, Advocate and
Mr. Rohit Sapehiya, Advocate and
Ms. Deepika Chauhan, Advocate for the petitioner

Mr. Deepanjay Sharma, DAG, Punjab
Mr. N.P.S Mann, Advocate for respondent Nos.4 and 5

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 03.05.2019 (Annexure P-5) passed by respondent No.1 and resolution dated 21.12.2010 (Annexure P-1) passed by Gram Panchayat-respondent No.3, whereby it has allotted depot of ration and kerosene oil to respondent No.5.

2. The petitioner is resident of V.P.O. Dagan, Tehsil Mukerian, District Hoshiarpur. One person namely, Pawan Kumar-respondent No.4 was elected Sarpanch of Gram Panchayat Village Dagan Block Hazipur District Hoshiarpur in 2008. He remained Sarpanch till 2013. By resolution dated 21.12.2010 (Annexure P-1), a depot of ration and kerosene oil came to be

allotted in favour of respondent No.5 i.e. wife of respondent No.4 (Ex. Sarpanch). The petitioner filed representation dated 14.05.2018 (Annexure P-3) before respondent No.1-Director, Rural Development Panchayat Department seeking cancellation of resolution dated 21.12.2010 passed by Gram Panchayat. The said representation came to be rejected by respondent No.1 vide order dated 03.05.2019 (Annexure P-5). The petitioner is assailing resolution dated 21.12.2010 of Gram Panchayat as well as order dated 03.05.2019 passed by respondent No.1.

3. Learned counsel for the petitioner submits that as per assessment made by SDO Panchayati Raj Hoshiarpur with respect to misappropriation of funds of the Gram Panchayat, a sum of ₹1,23,614/- was to be recovered from BDPO, Panchayat Secretary and Sarpanch. As per reply filed by the State Government, a sum of ₹41,205/- has been recovered from Sarpanch, however, remaining amount has not been recovered. The respondent has initiated inquiry, however, it is still pending with ADC, Hoshiarpur.

4. Learned State counsel submits that petitioner is assailing resolution of Gram Panchayat which was passed in 2010. The petitioner filed representation before the competent authority in 2018. The act of the petitioner is barred by doctrine of delay and laches. The petitioner has no *locus standi* and on account of political rivalry he has filed the present petition. There was need of a depot in the village because villagers were dependent upon a depot in another village, thus, a depot was opened in the village. The recovery from officials, if any, would be made in accordance with law.

5. From the perusal of record and arguments of both sides, this Court is of the considered opinion that present petition is hit by doctrine of delay and laches. The petitioner apart from assailing order of respondent No.1 is assailing resolution of Gram Panchayat. The resolution was passed by Gram Panchayat in 2010 and on the representation of the petitioner which was made in 2018, the impugned order came to be passed by respondent No.1 in 2019. The Court is supposed to look at not only order passed by respondent No.1 but also resolution of Gram Panchayat which is original cause of action. The petitioner has no *locus standi* to challenge the impugned resolution because he was never affected by the impugned resolution which is espoused with the fact that petitioner remained silent for quite a long time i.e. 8 years from the date of passing resolution by Gram Panchayat.

6. The respondent–State is duty bound to recover the dues from the authorities/erring officers. This Court is sanguine of the fact that competent authority would take appropriate action with respect to recovery of dues, if any, from the erring officials. The inquiry, if any, is pending before the competent authority would be taken to a logical end.

7. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

19.12.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>