

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

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CWP-5176-2023

Date of decision : 15.03.2023

Surinder Singh and others

... Petitioners

Versus

State of Punjab and others

... Respondents

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Ms.Sunaina, Advocate for the petitioners.

Mr.Ferry Sofat, Addl.A.G. Punjab for respondents no.1 and 2.

**VIKAS BAHL, J.(ORAL)**

This is a civil writ petition under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent no.2 to initiate proceedings for suspension and removal of respondents no.3 to 6- Sarpanch and other members (Panchs) of Gram Panchayat Village Surajgarh Block Shambhu Kalan, Tehsil Rajpura, District Patiala, under Section 20 of the Punjab Panchayati Raj Act.

Learned counsel for the petitioners has submitted that the petitioners have given a detailed representation / demand notice to the respondents including respondent no.2-Director in which specific details have been given to the effect that 100 Babool trees have been cut by the Sarpanch and the private respondents without taking any permission from the authorities and without auctioning the same. It is stated that the act of the said private respondents would bring their case within the ambit of

under which a member of the Gram Panchyat can be suspended and removed where their continuance in the office has become undesirable in the interest of public. Learned counsel for the petitioner has submitted that as per Section 20 of the the Act, the Director has power to suspend and remove the Sarpanch or Panch, in case, an act done by the said Panch or Sarpanch falls within the grounds mentioned under Section 20(1) of the Act.

Learned State counsel appearing for respondent nos.1 and 2 has submitted that the power of suspension and removal under Section 20 is an enabling power and 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 Panchayat-respondent no.2 would look into the demand notice dated 16.02.2023 (Annexure P-5), 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 Civil Writ Petition is disposed of with a direction to respondent no.2 to look into the demand notice dated 16.02.2023 (Annexure P-5) and in case, after looking into the said legal notice 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 due opportunity of hearing to respondent nos. 4 to 6.

**(VIKAS BAHL)**  
**JUDGE**

**March 15, 2023**

*Davinder Kumar*

DAVINDER KUMAR  
2023.03.17 17:18  
I attest to the accuracy and  
authenticity of this document

Whether speaking / reasoned  
Whether reportable

Yes/No  
Yes/No