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

CWP-5707-2023 (O&M)
Date of decision : 20.03.2023

Jagdev Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. R.K. Samyal, Advocate for the petitioners.

Mr. Maninder Singh, DAG, Punjab
for respondent Nos.1 to 3.

VIKAS BAHL, J. (ORAL)

CM-5009-CWP-2023

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

Main case

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to initiate departmental proceedings

against respondent No.4 in view of Section 20 of the Punjab Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act of 1994”).

Learned counsel for the petitioners has submitted that the petitioners have given representation dated 06.02.2023 (Annexure P-4) to the Director, Department of Rural Development and Panchayat, Punjab, in which, it has been detailed by the petitioners that respondent No.4 had cut all the trees from Panchayat land illegally without taking any permission from the concerned authority and report dated 18.10.2022, regarding the same, has been submitted by the Panchayat Secretary. It is further submitted that the said act of respondent No.4 would come within the purview of Section 20 of the Act of 1994 and the Director is the authority which is the competent authority to take decision on the same in accordance with law. It is contended that the petitioners would be satisfied in case, the present Civil Writ Petition is disposed of with a direction to the Director, Department of Rural Development and Panchayat, Punjab to look into representation dated 06.02.2023 (Annexure P-4) and after considering the same, to take action, in accordance with law, after following due procedure.

Learned State counsel appearing for respondent Nos.1 to 3 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 petitioners 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 would look into the representation dated 06.02.2023 (Annexure P-4), in accordance with law and in case Director Panchayat 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 the Director, Department of Rural Development and Panchayat, Punjab to look into the representation dated 06.02.2023 (Annexure P-4) and in case, after considering the same and making necessary enquiry, Director, Department of Rural Development and Panchayat, Punjab 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 No.4 and all parties concerned.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

20.03.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**