

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(115)

CWP-8547-2023

Date of decision: - 25.04.2023

Harpal Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amit Arora, Advocate,
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondents No.1 to 5.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially a writ in the nature of mandamus directing the official respondents to take action against respondents No.6 to 8 on the complaint dated 11.02.2023 (Annexure P-1) and complaint dated 21.02.2023 (Anenxure P-2) in accordance with the provisions of Section 20/216 of the Punjab Panchayati Raj Act, 1994.

2. Learned counsel for the petitioner has submitted that the petitioner has given a detailed representation dated 11.02.2023 (Annexure P-1) to the official respondents including respondent No.2-Director, Rural Development and Panchayats, Punjab and after getting information under the RTI Act, details have been given with respect to embezzlement of

funds by respondents No.6 and 8. It is further submitted that as per provision of Section 20 of the Punjab Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act of 1994”), the Director has the power to suspend or 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 of 1994. It is contended that the petitioner would be satisfied in case, the present Civil Writ Petition is disposed of with a direction to respondent No.2 to look into the complaint dated 11.02.2023 (Annexure P-1) and after considering the same, to take action, in accordance with law, after following due procedure.

3. Learned State counsel appearing for respondent Nos.1 to 5 has submitted that the power of suspension and removal under Section 20 is an enabling power and the same would not confer a right upon 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 11.02.2023 (Annexure P-1), 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.

4. 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 11.02.2023 (Annexure P-1) and in case, after looking into the said complaint 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 taken, in accordance with law and after giving due opportunity of hearing to respondent Nos.6 and 8.

April 25, 2023
naresh.k

(VIKAS BAHL)
JUDGE

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