

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

(110)

CWP-9437-2023

Date of decision: - 03.05.2023

Sewa Kaur

....Petitioner

Versus

Director village Development and Panchayat Department and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India, for the issuance of a writ in the nature of mandamus directing the respondent No.1 to take appropriate action as per Section 20 read with Section 208 of the Punjab Panchayati Raj Act, 1994.

2. Learned counsel for the petitioner has submitted that in the present case, on the complaint made by the present petitioner, an inquiry was held and after inquiry, the District Development and Panchayat Officer, Hoshiarpur, vide report dated 02.11.2022 had written to the Director that action as envisaged under Section 20 of the Punjab Panchayati Raj Act, 1994 (for short 'Act of 1994') be taken against the private respondents. It is further submitted that reference of the

recommendation made by the BDPO was also made in the said report. It is also submitted that inspite of lapse of five months, neither any decision has been taken by the Director, nor any proceeding has been instituted. It is stated that the petitioner would be satisfied in case respondent No.1 takes a final decision on the recommendation made by the District Development and Panchayat Officer, Hoshiarpur and in case he finds that action is required to be taken in the matter, then, the action in accordance with law be taken after following due procedure of law as expeditiously as possible.

3. Learned State counsel 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. It is further submitted that the power is vested with the Director to suspend or remove a Sarpanch or Panch, thus, a final decision on the recommendation dated 02.11.2022 would be taken by the Director, within a period of one month from the date of receipt of certified copy of this order and in case respondent No.1 is of the opinion that any action is required to be taken, then, the same would be taken in accordance with law after following the principles of natural justice and after giving due opportunities of hearing to respondents No.2 to 5.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to respondent No.1 to take a final decision on the recommendation dated 02.11.2022 (P-1), within a period of one month from the date of receipt of certified copy of this order and in case respondent No.1 is of the opinion that any action as

envisaged under Section 20 of the Act of 1994 is required to be taken, then, the same be done in accordance with law after following the principles of natural justice and after giving due opportunities of hearing to respondents No.2 to 5.

May 03, 2023
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(VIKAS BAHL)
JUDGE

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