

111

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

CWP-9951-2023

Date of decision : 09.05.2023

Jagtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Gagandeep Kaur, Legal Aid Counsel
Advocate for the petitioner.

Mr. Ferry Sofat, Addl. A.G. Punjab, for respondent Nos.1 to 6.

VIKAS BAHL, J. (ORAL)

1. 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 respondent Nos.2 to 6 to take appropriate action in accordance with law against respondent No.7 in accordance with the report dated 03.03.2023 (Annexure P-1) given by the Sub Divisional Officer (P), Fatehgarh Sahib to respondent No.6-Executive Engineer.

2. Learned counsel for the petitioner has submitted that for the grievances raised in the present writ petition, representation dated 05.04.2023 (Annexure P-2) has been given by the petitioner to the Block Development and Panchayat Officer, Block-Khera, in which, reference to the report dated 03.03.2023 has also been made.

3. Learned counsel for the petitioner has further submitted that as per the provisions of Section 216 of the Punjab Panchayati Raj Act, 1994, the Block Development and Panchayat Officer, on an application of Gram

Panchayat or otherwise, after giving due opportunity of hearing to the concerned persons, can assess the loss caused to the Gram Panchayat and order recovery. It is contended that the petitioner would be satisfied in case, the Block Development and Panchayat Officer-respondent No.5 is directed to look into representation dated 05.04.2023 (Annexure P-2) and take appropriate action, in accordance with law, as expeditiously as possible.

4. Learned State Counsel has submitted that the Block Development and Panchayat Officer-respondent No.5 would consider the representation dated 05.04.2023 (Annexure P-2) and in case, there is merit in the plea raised in the representation then, appropriate action, in accordance with law after following due procedure be taken as expeditiously as possible preferably within a period of three months from the date of receipt of certified copy of the present order.

5. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with directions to respondent No.5 to consider the representation dated 05.04.2023 (Annexure P-2) in accordance with law and in case, respondent No.5 is of the opinion that action is required to be taken on the basis of plea raised by the petitioner, then appropriate action in accordance with law be taken as expeditiously as possible preferably within a period of three months from the date of receipt of certified copy of the present order. The same would be done after providing the due opportunity of hearing to the persons against whom action is sought to be taken.

09.05.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No**