

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

**CWP-11534-2023 (O&M)
Date of decision : 06.12.2023**

Kulwant Kaur**.....Petitioner**

versus

State of Punjab and others**..... Respondents**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. C.L. Premy, Advocate with
Ms. Amarjit Kaur, Advocate and
Ms. Navjot Kaur, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab assisted by
Mr. Baljit Singh, BDPO, Gurdaspur.

Mr. S.S. Behl, Advocate
for respondent No.5.

RAJESH BHARDWAJ, J. (Oral)

CM-20514-CWP-2023

Application is allowed as prayed for.

Replication to written statement of respondent No.5 along
with Annexure is taken on file.

Main case

Prayer in the present petition is for issuance of direction to Block Development and Panchayat Officer, Gurdaspur, respondent No.5 to return the record of Gram Panchayat to the petitioner, got deposited on 11.04.2022 vide directions dated 07.04.2022 (Annexure P-1) when many ongoing development works mentioned in the present writ petition (Annexure P-2) were in progress were also stopped because as per Section 87(1) of the PPR Act, 1994, the custody of movable and

immovable property and record of Gram Panchayat is to remain with the Sarpanch of the Village Gram Panchayat and though the petitioner along with Panches has many a times, verbally as well as in writing requested respondent No.5 to return the record of the Gram Panchayat as the Gram Panchayat is facing problem in carrying on day to day functioning of the Panchayat. Moreover, development works in the village which were in progress cannot be completed without the Panchayat Record, as such direction may kindly be issued to respondent No.5 to return the record in a time bound manner to enable the petitioner to proceed further.

It has been contended by counsel for the petitioner that during inquiry initiated against the petitioner, the record was with the respondent department however, the inquiry was conducted against the petitioner totally in violation of the principles of natural justice. He submits that the petitioner was the elected Sarpanch and was suspended in an illegal manner. He further submits that the record was never provided to the petitioner during the inquiry conducted against her.

Learned counsel for respondent No.5 has submitted that the petitioner has concealed the material facts as the petitioner is finally suspended and as on date she is no more Sarpanch of the Village. It is also submitted that the suspension order passed against the petitioner has not been challenged further.

Learned State counsel along with BDPO present in the Court submits that after suspension of the petitioner, the Administrator has been appointed who is discharging the necessary duties in the absence of the Elected Sarpanch. It is submitted that the relevant cash book remains with the Panchayat Secretary and as and when the same is required, the cash

book is provided for the development of the village. It is submitted that the petitioner has no *locus standi* to pursue this petition as she is no more Sarpanch of the Village. It is also submitted before this Court that record of the Panchayat though is in the custody of the Panchayat Secretary but the same has not been retained for obstructing the development work of the Village as the same is provided as and when it is required.

Heard. After hearing counsel for the parties and perusing the record, the present petition is disposed of in view of the submissions made before this Court. The respondent authority would keep making the requisite record available to the acting Sarpanch so as to ensure that the development work of village is not obstructed. However, the petitioner is at liberty to pursue her remedies in case any cause of action arose as in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

06.12.2023
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No