

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.17601 of 2015
Date of Decision : 21.08.2023

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..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rajesh Khandelwal, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for issuance of a writ in the nature of mandamus directing respondents No.1 & 2 to take appropriate action against respondent No.8 for embezzlement and illegal activity committed by him and also against respondents No.3 to 7 for helping respondent No.8 in embezzlement and illegal activities. Further prayer has been made to direct respondent No.9 to take legal action according to law against respondent No.8.

This Court had issued notice to the respondents on 24.08.2015. In response to the same, the respondent-State has filed reply by way of affidavit of Astha Garg, Block Development & Panchayat Officer, Karnal, District Karnal dated 17.08.2023.

Learned counsel for the petitioner has contended before this Court that respondent No.8 has committed embezzlement of the Panchayati

funds. He submits that no amount has been spent by respondent No.8 for construction of the stadium in the village and in this regard, he has placed on record the receipts of cash books and contended that no stadium has been constructed.

Learned counsel for the State has vehemently opposed the same and has submitted before this Court that the allegations made by the petitioner were duly inquired into and were found to be false. He submits that the petitioner has not approached this Court with clean hands and has made allegations without substantiating the same. He submits that inquiry was conducted by the Block Development & Panchayat Officer, Karnal and during inquiry, it was found that name of Sh. Sachin Kumar (minor) son of Sumer, aged 10 years has wrongly and negligently been entered in the Muster Roll under MGNREGA Scheme for development work by the Gram Sachiv and for this negligence mate, Sh. Rishi Pal s/o Surja and Smt. Shardadeep w/o Har minder Singh were terminated from their posts. He submits that tenure of the then Sarpanch, namely, Jagjeet Singh-respondent No.8 is already over in July, 2015. He further submits that it has been established during inquiry that Gram Panchayat Churni Jagir has spent an estimated amount of Rs.5,70,000/- for leveling, land filling for renovation of the stadium/sports ground. It was found that construction of boundary wall of stadium/sports ground could not be carried out due to non availability of funds and thus, by passing a resolution No.2 dated 28.04.2014 with majority, Gram Panchayat had decided that the proposed land for construction of stadium remained vacant from last about 3-4 years and thus, Gram Panchayat was suffering loss. Due to the same, it was

resolved that this land be given on lease so as to avoid any further loss being caused to the Gram Panchayat. It was resolved that as and when the grant for construction of stadium would be received, the same would be constructed. He has drawn attention of this Court to the copy of order dated 01.01.2019, which is placed on record as Annexure R-1. He submits that in view of the enquiry conducted, the allegations made by the petitioner are found false as the stadium could not be constructed due to the non-receipt of the funds and hence, the land had been given on lease as per resolution of the Gram Panchayat. He further submits that in view of the same, the requisite action, as prayed for by the petitioner, has already been taken by the respondents-authorities and thus, the present petition deserves to be disposed of as infructuous.

After hearing learned counsel for the parties and perusing the material on record, this Court is of the opinion that as the requisite action has already been taken, nothing survives in the present petition and the same is dismissed as infructuous. However, the petitioner is at liberty to pursue his remedies, if so advised, in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

21.08.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No