IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(108)

CWP-25150-2022 (O&M)
Date of decision: - 09.02.2023

Kulwinder Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Nakul Sharma, Advocate,
for the petitioner.

Mr. Ferry Sofat, Additional Advocate General, Punjab
for respondents No.1 to 4.

Mr. Rai Singh Chauhan, Advocate
and Ms. Deepika Chauhan, Advocate
for respondents No.5 to 7.

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VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondent No.2 to initiate proceedings under Section 20 of the Punjab Panchayati Raj Act, 1994 (for short 'the Act') against respondents No.5 to 7.

Learned counsel for the petitioner has submitted that the petitioner was the Sarpanch at the time when the present petition was filed. It is further submitted that since respondents No.5 to 7 were not attending meetings, thus, the Block Development & Panchayat Officer,

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Amloh, vide letter dated 19.09.2022 (Annexure P-10) had written to the District Development & Panchayat Officer, Fatehgarh Sahib, to take action in accordance with law under Section 20 of the Act against the private respondents. It is prayed that the petitioner would be satisfied in case the present petition is treated as a representation and respondent No.2 is directed to look into the allegations made in the present petition and in case after considering the same, the Director is of the opinion that proceedings under Section 20 of the Act are to be initiated, then, the same be initiated in accordance with law.

Learned counsel appearing on behalf of respondents No.5 to 7 has submitted that infact respondents No.5 to 7 have been regularly attending the meeting and it is the petitioner who has been suspended and the authorized panch has been elected.

Learned State counsel has appeared on behalf of respondents No.1 to 4 and has submitted that the power of suspension and removal under Section 20 of the Act is an enabling power and the 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 however, since the power is vested with the Director to order an enquiry, thus, the present petition would be treated as a representation by respondent No.2 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.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent No.2 to treat

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the present writ petition as a representation and in case, after looking into the said representation and making necessary enquiries, respondent No.2 is of the opinion that any action is required to be taken in the matter, then the same be done, in accordance with law and after giving due opportunity of hearing to respondents No.5 to 7.

Pending application, if any, stands disposed of in view of the aforesaid order.

(VIKAS BAHL)
JUDGE

February 09, 2023
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Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No

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