

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

CWP-25267-2023

Date of Decision: 17.11.2023

Harpreet Singh

..... Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Present writ petition has been filed for directing respondents No.4 and 5 to conduct the meetings of Panchayat Salana Jiwan Singh Wala, as since petitioner has been elected as an authorized Panch under Section 20(5) of Punjab Panchayati Raj Act and issued agenda notices and conducted the meetings held on 22.09.2023, 29.03.2023 and 06.10.2023 for getting different done in the Gram Panchayat. Respondent No.5 along with respondent No.4 intentionally did not participate in any of the meetings and every time, the meetings were deferred due to non-availability of respondent No.5, as copy of the agenda meetings were sent even to respondents No.3 and 4 requesting them to ensure the presence of respondent No.5 in the meetings to be held for conducting the development works of village however intentionally respondent No.5 did not join/ participate in any of the Gram Panchayat meetings due to which huge losses has been caused to the Gram Panchayat and other development work in the Panchayat has been stalled, causing irreparable loss to the residents of the village. Further prayer has been made for directing respondents No.2 and 3 to conduct of inquiry as why respondent No.5 even after issuance of agenda notices for attending the

meeting/participating the meeting failed to do so. In fact after respondent No.5 failed to attend the meeting on 22.09.2023 applications were also given to respondents No.3 and 4 requesting them that in the next meeting which is to be held on 29.09.2023, respondent No.5 presence be ensured.

Learned counsel for the petitioner has reiterated his contentions that despite repeated requests, meetings are not being allowed to be held.

Vide order dated 08.11.2023, respondent No.3 was directed to be present in Court.

Mr. Hiten Kapila, DDPO, Fatehgarh Sahib and Dr. Mohit Kalyan, BDPO, Amloh are present in Court and have submitted before this Court that elected Sarpanch has been suspended and thereafter, the due process has to be followed for appointing acting Sarpanch out of the elected Panchs. They have submitted that the petitioner and other Panchs did not appear before the BDPO and thus further action could not be taken for appointing the acting Sarpanch. It is also submitted by them that a complaint regarding the unauthorized possession has also been received against the Panchs and the Tehsildar, Amloh, has already been directed to carry out demarcation for verifying the allegations made in the complaint. They have further submitted that report from the Tehsildar is yet to be received. However, they have submitted that if the Panchs appear before them, then further action for the appointment of the acting Sarpanch would be taken. They submit that as on date there is no authorized Sarpanch/acting Sarpanch in the village.

In view of the submissions made above, the petitioner and other Panchs are directed to appear before the BDPO, Amloh on 21.11.2023 at 10:00 a.m. Further necessary action would be taken in accordance with law.

The present petition is disposed of in above terms.

17.11.2023
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No