

124 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5672-2024
Date of Decision:12.03.2024

Arvind Kumar Petitioner

Versus
State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for issuance of direction to respondents No.1 to 5 to disqualify respondent No.6 from the post of Sarpanch in view of the provisions of Section 175(n) of the Haryana Panchayati Raj Act, 1994 who while being Sarpanch of the Gram Panchayat Fattupur, Tehsil Thanesar, District Kurukshetra has misused his official position and occupied the Gram Panchayat land situated in Khewat No.175 Kathoni No.281, Khasra No.58(9-19) Gair Mumkit Talab/Johar, as per the Jamabandi for the year 2022-23, which has now been given to respondent No.8, who is now constructing the house over it and further take appropriate action against respondent No.7-Mandeep who being husband of a Sarpanch is using the power of Sarpanch. Further prayer has been made to issue direction to respondents No.1 to 5 to ensure proper measure of vacating the Gram Panchayat land from the illegal occupants, which is in the illegal possession of respondents No.6 to 8, despite the fact that respondent No.6 is the Sarpanch of the village and she is in illegal possession of the Gram Panchayat land.

It has been submitted by learned counsel for the petitioner that the petitioner has filed a representation against respondents No.6 to 8, however, no action has been taken on the same till date.

Notice of motion to the official respondents only.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State. On instructions from Amit Kumar, BDPO Thanesar, she has submitted that on the complaint/representation filed by the petitioner, the Deputy Commissioner has already taken cognizance and report has been called from BDPO, Thanesar.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.5 i.e. Block Development and Panchayat Officer, Thanesar to submit the report as called for by the Deputy Commissioner expeditiously within a period of four weeks from today.

On receipt of report, respondent No.3 Deputy Commissioner, Kurukshetra will take necessary decision in the matter expeditiously.

(RAJESH BHARDWAJ)
JUDGE

12.03.2024
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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No