

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

CWP-8431-2024

Date of decision: 25.04.2024

Charanji Singh (Ex. Sarpanch)

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. V.K. Sandhir, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing the action of respondents No.1 and 2 being taken against the petitioner by conducting the vigilance enquiry as per letter dated 19.01.2024 (Annexure P-1), 19.01.2024 (Annexure P-2), 26.02.2024 (Annexure P-3) and 05.04.2024 (Annexure P-5) whereby the vigilance is conducting checking of record of Gram Panchayat Kishangarh Farmahi whereas neither the Department of Rural Development and Panchayat Punjab has authorized the vigilance department nor there is any complaint of any misappropriation of funds by any person/officials. Further prayer has been made for staying the action of respondent No.2 in pursuance to letter dated 19.01.2024 (Annexure P-1), 19.01.2024 (Annexure P-2), 26.02.2024 (Annexure P-3) and 05.04.2024 (Annexure P-5) during the pendency of the petition.

It has been submitted by counsel for the petitioner that petitioner was elected Sarpanch of the Village in the General Election of the Gram Panchayat held on 30.12.2018. During his tenure, he carried out various development works as strictly in accordance with the laid down procedure. He has submitted that the Gram Panchayat was dissolved on 27.02.2024. He has further submitted that petitioner never misused any

public funds but due to the political vendetta, he received a letter dated 19.01.2024 from the Block Development and Panchayat Officer Bhikhi calling upon the record of the Gram Panchayat of the year 2022-2023. He has submitted that the vigilance authorities did not find anything against the petitioner and hence, another letter dated 20.03.2024 was written to the Panchayat Secretary to produce the record from 2018-2023. He has submitted that the enquiry initiated is politically motivated as there is no authorization by the department for conducting any inquiry against the petitioner. Hence, the impugned letter issued deserves to be *set aside*.

Notice of motion.

On asking of the Court, Mr. Navneet Singh, Senior DAG, Punjab accepts notice on behalf of the respondents-State. He has opposed the submissions made by counsel for the petitioner and has submitted that from the bare perusal of the impugned letters, it is apparent that there is inter-departmental communication where the record has been sought by the vigilance from the Block Development and Panchayat Officer, Bikhi. He has further submitted that from perusal of the same, it is apparent that there is no communication/information made to the petitioner by the respondents-State so far and thus, the petition itself is not maintainable. He submits that the respondents-State is well within its jurisdiction to seek the record from the Block Development and Panchayat Officer and thus, the petition is not maintainable.

Heard. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner had completed his tenure from 2018-2023. He was elected as Sarpanch in 2018 and remained Sarpanch of the Village till 2024 when the Gram Panchayat was dissolved. The letters impugned by the petitioner are inter-departmental communication

herein the record from the Block Development and Panchayat Officer has been summoned however, this does not reflect any communication directly sent to the petitioner. Thus, this Court without going into the merits of the case, finds the petition filed to be premature and thus, the same is not maintainable at this stage.

Petition is accordingly dismissed.

25.04.2024

(RAJESH BHARDWAJ)

JUDGE

m. sharma

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No