



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

**CWP No.3385 of 2021
Date of decision: 07.05.2024**

Lal Singh **Petitioner**

versus

State of Haryana and others **Respondents**

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Paramvir Singh Rai, Advocate for
Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

Mr. Karan Singh Sura, Advocate for
Mr. Bhisham Kumar Majoka, Advocate
for respondent No.4.

RAJESH BHARDWAJ J.

1. Present writ petition has been filed for directing respondents No.1 to 3 to initiate appropriate action against respondent No.4 as per the provisions of Haryana Panchayati Raj Act, 1994 as respondent No.4 was found guilty in the enquiry report (Annexure P-9) conducted by respondent No.3 on the directions of this Hon'ble Court passed in CWP No.15559 of 2015 in which he was found guilty of being in possession of illegal encroachment of Panchayat land (Annexure P-11). Further prayer has been made for directing the respondents to act as per the provisions of Haryana Panchayati Raj Act, 1994.

2. Learned counsel for the petitioner has submitted that the petitioner is a resident of village Masit, District Rewari and thus being the



resident of village, he is entitled to file the present writ petition. He has submitted that the petitioner has noticed that respondent No.4 has made encroachment on the panchayat land, misappropriation of funds, embezzlement & financial irregularities on account of which, the Gram Panchayat has suffered a loss. He submits that for removing his illegal encroachment, the petitioner has filed many representations to the respondent authorities, however no action has been taken on the same.

3. The Court issued notice of motion on 24.02.2021. In response to which, short reply by way of affidavit of Narinder Sarwan, District Development and Panchayat Officer, Rewari on behalf of respondents No.1 to 3 has been filed today in the Court and the same is taken on record.

4. Learned counsel for the State has opposed the submissions made by learned counsel for the petitioner. He has drawn the attention of this Court to the reply filed and submits that in view of the order passed by this Court dated 02.03.2020, regular inquiry was conducted by the Sub Divisional Officer (Civil), Rewari and report in this regard was sent vide letter No.198/Parivad/Steno dated 11.10.2021. He has submitted that as per the report, no illegal encroachment as alleged was found. He further submits that on the basis of the inquiry report dated 28.08.2018, necessary legal actions were taken against respondent No.4 and he was suspended vide letter No.1085-88/Panchayat dated 04.02.2020, however the same was stayed by this Court. He has submitted that the regular inquiry was conducted by the Sub Divisional Officer (Civil), Rewari and final report in this regard was sent vide letter No.501/Parivad/Steno dated 13.07.2022.



He thus submits that the contentions raised by learned counsel for the petitioner are totally baseless as the necessary action has already been taken against respondent No.4.

5. Heard.

6. On hearing learned counsel for the parties and perusing the reply filed by the State, it is apparent that on the complaint filed by the petitioner, the respondent-State had entrusted the regular inquiry, which was conducted by the Sub Divisional Officer (Civil), Rewari and the report was already sent on 11.10.2021. On the conclusion of this inquiry, it was found that the allegations regarding the encroachment are false as no illegal encroachment was found. Further respondent No.4 was suspended as well. However on filing the writ petition, the same was stayed by this Court. Even otherwise, respondent No.4 has already completed his tenure as Sarpanch in 2021 and hence as such, he is no more Sarpanch of the village. Thus it is evident that the grievances raised by the petitioner had already been redressed and hence, nothing more survives in the present petition for adjudication.

7. In view of the above position, the present petition is disposed of. However the petitioner would be at liberty to pursue his remedies as available to him, if any further cause of action accrues to him.

07.05.2024

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

(RAJESH BHARDWAJ)
JUDGE