117 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10721-2024
Date of decision : 09.05.2024

Bahadur Singh **.....Petitioner**

versus

State of Punjab and others **..... Respondents**

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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Present :- Mr. N.P.S. Mann, Advocate
for the petitioner.

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RAJESH BHARDWAJ, J.

Prayer in the present petition is for quashing the order dated 21.02.2024 (Annexure P-8) passed by respondent No.3-Deputy Commissioner, SAS Nagar, Mohali and order dated 26.02.2024 (Annexure P-9) passed by respondent No.4-District Development and Panchayat Officer, SAS Nagar, Mohali by which the authorities are bent upon getting an FIR registered against the petitioner in a wrong and illegal manner without passing any order under Section 20 or 216 of the Punjab Panchayati Raj Act, 1994 and also without giving any opportunity of hearing to the petitioner to tell his part and the act of the authorities is clearly illegal and these steps are being taken by them only to save the officials of the department from prosecution. Further prayer has been made for directing the respondents to complete the record of the Gram Panchayat as per rules and for issuance of utilization certificate of the works done after proper approval/intimation to the concerned officials according to law as it is the responsibility of the Panchayat Secretary concerned and Junior Engineer concerned to complete the record of the Gram Panchayat, because the elected Sarpanch is not an elected person and cannot complete the record of the

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Gram Panchayat on his own. Further prayer has been made for staying the operation of the impugned orders dated 21.02.2024 (Annexure P-8) passed by respondent No.3-Deputy Commissioner, SAS Nagar, Mohali and order dated 26.02.2024 (Annexure P-9) passed by respondent No.4-District Development and Panchayat Officer, SAS Nagar, Mohali.

It has been submitted by counsel for the petitioner that the petitioner was elected as Sarpanch of the Gram Panchayat Balongi in the year 2018 and now he has already completed his tenure. He submits that the petitioner has discharged his duties as Sarpanch in accordance with law however, he has been now issued with the impugned notices/letters dated 21.02.2024 and 26.02.2024. He submits that the impugned notices/letters are in violation of the provisions of Sections 20 and 216 of the Punjab Panchayati Raj Act and thus, the same deserve to be quashed.

Heard. On hearing counsel for the petitioner and perusing the record, it is apparent from the perusal of impugned letter dated 21.02.2024 that the same is communication from the Deputy Commissioner, SAS Nagar to the District Attorney, SAS Nagar and impugned letter dated 26.02.2024 is communication from the District Development and Panchayat Officer, SAS Nagar to the Block Development and Panchayat Officer, Mohali. So far there is no order or notice has been issued to the petitioner and thus, this Court finds the petition filed to be premature at this stage. Hence, the present petition is disposed of being premature. However, the petitioner would be at liberty to avail his remedies as and when any cause of action accrues to him.

(RAJESH BHARDWAJ)
JUDGE

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

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