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

CWP No.20574 of 2019

Date of decision: 07.05.2024

Sham Lal

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. R. S. Mamli, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana.

RAJESH BHARDWAJ J.

1. Present writ petition has been filed for directing the officials respondents to take action against the Sarpanch for embezzling the funds of the Gram Panchayat for causing loss to the Gram Panchayat by remaining in possession of the land of Gram Panchayat.

2. It has been contended by learned counsel for the petitioner that petitioner is the permanent resident of village Malikpur Bangar. He submits that being resident of the village, he is competent to protect the interest of Panchayat property and hence approached this Court by way of filing the present writ petition. He has submitted that the Sarpanch i.e. respondent No.7 was in unauthorized possession of the land of Gram Panchayat since long, which was causing loss to the Gram Panchayat. He

has submitted that earlier respondent No.7 had filed a civil suit for permanent injunction against the Gram Panchayat. He has submitted that the land in dispute vests in the Gram Panchayat but respondent No.7 had filed the suit of permanent injunction against the Gram Panchayat alleging himself to be in possession of the land measuring 40 kanals 10 marlas. He thus submits that being in unauthorized possession of the Panchayat land, respondent No.7 had caused loss to the Gram Panchayat. He submits that the petitioner has approached the respondent authorities for taking legal action against respondent No.7 but no action has been taken till date.

3. On issuance of notice of motion, the respondent-State has filed the reply.

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 by the Block Development and Panchayat Officer, Chhachhrauli, District Yamuna Nagar i.e. respondent No.5. He submits that after filing the complaint by the petitioner, the Deputy Commissioner, Yamuna Nagar had directed District Development and Panchayat Officer, Yamuna Nagar to hear both the parties and provide them opportunity to place their documents on file, if any and to provide them personal hearing. He submits that the petitioner and respondent No.7 i.e. Sarpanch were granted the opportunity of hearing on 16.05.2019. Regular inquiry was conducted by the City Magistrate, Yamuna Nagar and he submitted his report dated 05.10.2018. He submits that in the inquiry conducted, it was found that respondent No.7 had installed the hand pumps in the village without verifying the prescribed rate fixed by

the Government. However the same was found to be lack of knowledge of respondent No.7. Further it was found that neither any financial loss has been caused to the Panchayat by the Sarpanch nor he has embezzled any Panchayat fund. Hence he was given a warning to remain vigilant in the future. Regarding the allegations made in respect of false statement made by respondent No.7 in the civil Court, a show cause notice was issued to respondent No.7 and he was given a personal hearing on 15.11.2018 by the Deputy Commissioner, Yamuna Nagar. He submits that respondent No.7 clarified the allegations made against him wherein it was found that the statement was not made by respondent No.7 whereas his counsel made the statement without consulting him. Hence respondent No.7 was given a strict warning for the same. He submits that thus it is evident that the necessary action had already been taken against respondent No.7 on the complaint filed by the petitioner. He submits that even otherwise respondent No.7 has already completed his tenure in 2021 and thus, as on date, he is no more Sarpanch of the village. He has submitted that in view of the direction given by the Deputy Commissioner, Yamuna Nagar, necessary action has already been taken and thus, nothing more survives in the present petition for adjudication.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is apparent that cognizance on the complaint filed by the petitioner had already been taken. Regular inquiry to be conducted was entrusted to the City Magistrate, Yamuna Nagar, who submitted his report on 05.10.2018 and the warning was given to respondent No.7. Regarding

the allegations of making false statement in the Court, a show cause notice was issued to him and on hearing, a strict warning was given in this case.

7. Thus, it is evident that grievances raised by the petitioner have already been redressed.

8. In view of the submissions made by learned counsel for the State, the present petition is disposed of. However the petitioner would be at liberty to pursue his remedies as available to him in case any further cause of action accrues to him in accordance with law.

07.05.2024

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(RAJESH BHARDWAJ)
JUDGE

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