

106(2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

1.

CWP-7494-2018 (O&M)

Date of Decision: April 16, 2024

Gram Panchayat Hathira Block Thanesar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

2.

CWP-15204-2018

Gram Panchayat village Khijrapur, Block Thanesar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Pardeep Sehrawat, Advocate for
Mr.Vivek Goyal, Advocate
for the petitioner in CWP-7494-2018.

Mr.Saurabh Sharma, Advocate
for the petitioner in CWP-15204-2018.

Ms.Upasana Dhawan, AAG, Haryana.

.....

RAJESH BHARDWAJ, J.(ORAL)

Both the above-mentioned writ petitions are being decided by this common order as prayer in both the writ petitions is for quashing of instructions dated 05.02.2015, Annexure P-1, whereby grant of petitioner(s) for development work of panchayat has been wrongly and unlawfully ordered to be deposited or transferred with Executive Engineer whereas the same is against the spirit of Haryana Panchayati Raj Act and the settled law

by this Court in CWP-20417-2016, decided on 10.05.2017, Annexure P-2.

For the sake of convenience, the facts are being extracted from CWP-7494-2018.

It has been submitted by learned counsel for the petitioner(s) that funds, as were required to be given to the Panchayat, have been illegally deposited with the Executive Engineer.

However, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner(s). She has drawn attention of this Court to the reply filed by the State through Karan Singh Sheoran, Executive Engineer, Panchayati Raj, Kurukshetra, on behalf of respondents No.1 to 5, in which it has been submitted that petitioners are relying upon the instructions, dated 05.02.2015, which were quashed by this Court and thereafter the State issued Instructions, dated 14.11.2017, according to which the funds allotted to the Gram Panchayat have been enhanced from Rs.10.00 lakhs to Rs.20.00 lakhs. She submits that tenders were duly floated and by following the due process, the work was allotted to the Shiv Shanker Co-op L&C Society Ltd, Balbera, being the highest bidder in the tender. She submits that accordingly the work was executed and thus, funds allotted have already been utilised in accordance with the instructions dated 14.11.2017. She has submitted that these instructions have never been challenged by the petitioners and thus both these petitions are not maintainable and are liable to be dismissed as such.

Learned counsel for the petitioner(s) has not controverted the above position and has prayed that the present petitions may be disposed of with liberty to the petitioner(s) to avail their remedy as per law.

In view of the submission made by learned counsel for the parties, both the writ petitions are disposed of. However, petitioners would be at liberty to avail their remedies in case any further cause of action accrue to them.

April 16, 2024

meenuss

1. Whether speaking/reasoned ?

2. Whether reportable ?

(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No