



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

106

CWP-20344-2020

Date of Decision: 29.01.2025

Naresh Kumar

...Petitioner

Versus

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Naveen Chopra, Advocate for the petitioner.

Mr. Maninder Singh, Sr. DAG, Punjab.

Mr. Ankur Mittal, Addl. A.G. Haryana,
Mr. P.P. Chahar, Sr. D.A.G., Haryana and
Mr. Saurabh Mago, DAG, Haryana.

Ms. Shreyansi Verma, Central Govt. Counsel,
for respondent No.1–UOI.

Mr. Ravi Kamal Gupta, Advocate for CBI/respondent No.4.

SURESHWAR THAKUR, J. (ORAL)

1. The present petitioner alleges that MANREGA funds have been embezzled by one Mamta Rani, former Sarpanch of the Gram Panchayat concerned and her husband Deepak Sharma. The said allegation is founded on the fact that despite certain persons, holding an immense size of land holding(s), wherebys they became not entitled to be enlisted as labourers for undertaking works under the MANREGA Scheme, yet theirs being so enlisted. Furthermore, it is also stated in the petition that, therebys, there has been, through enlistment of ineligible workers in the relevant muster-rolls, thus, misappropriation of funds at the instance of the supra. In addition, it is



also stated that fake and bogus job cards became prepared at the instance of supra.

2. In consequence, it is prayed that an enquiry be ordered to be conducted at the instance of the Central Bureau of Investigation.

3. Reply to the relief supra as espoused in the petition has been filed at the instance of respondents. In the said filed reply, it is stated that an enquiry has been launched for uncovering and unmasking, the truth or otherwise, of the supra allegations raised against the former Sarpanch of the Gram Panchayat concerned and her husband.

4. Be that as it may, since the said enquiry is underway, therefore, at this stage, this Court does not deem it fit and appropriate to order that the CBI makes an enquiry into the supra allegations. However, the enquiry which is underway be ensured to be concluded within a period of three months from today. Moreover, the Enquiry Officer shall ensure that the hereafter directions become complied with:-

(a) While determining the eligibility of the relevant enlistments, the fact that whether as a matter of fact the works which were undertaken at the instance of the Sarpanch of Gram Panchayat concerned, did become executed and completed, thus, being borne in mind.

(b) Whether after the enlistment of ineligible workers for undertaking the execution of the panchayat works under MANREGA Scheme, also further resulted, in remittances being made into their accounts, despite the said enlisted workers never working at the site, rather theirs deploying certain other labourers to execute the works. Therefore, the underpinnings of the enquiry, would be whether, the works launched under the MANREGA Scheme, had been successfully executed



and completed or not. Furthermore, the persons concerned in whose favour the alleged fake and bogus job cards were issued and who were not entitled to be enlisted as workers, on the relevant muster-roll, if they do state, that they after receiving the wages, through remissions thereof being made into their accounts, thus, had subsequently transferred such amounts into the accounts of those, who actually worked at the sites. Moreover, also the veracity of such transfers to the persons concerned, who actually worked at the sites and to whom wages were transferred by the persons concerned, being also enquired into, whereafter well made conclusions be drawn.

5. Learned counsel for the petitioner has further raised a grievance in the instant writ petition, to the extent, that despite encroachments being made by certain encroachers upon lands, thus declared as *shamlat deh* land, hence owned by the Gram Panchayat concerned, yet no lawful action becoming drawn against them. However, readings of relevant paragraph 14 of the reply, on affidavit sworn by the District Development and Panchayats Officer, Karnal, discloses that after valid demarcations being carried of the relevant encroached upon sites, thus, by the empowered revenue officer concerned, thereupons, the Gram Panchayat concerned has instituted an eviction petition against the encroachers over *shamlat deh* land owned by the Gram Panchayat concerned.

6. Consequently, therebys, the *supra* relief also becomes mitigated. However, yet the Assistant Collector concerned, who is seized with the eviction petition instituted against the encroachers, upon, the Gram Panchayat land, is directed to conclude the proceedings drawn upon the said



eviction petition, but within four months from today. Furthermore, in his drawing the said proceedings, he shall ensure that compliance becomes meted to the principles of natural justice. Moreover, he shall also ensure that the petition becomes terminated through a lawful decision becoming rendered thereons.

7. Disposed of accordingly.

(SURESHWAR THAKUR)
JUDGE

(VIKAS SURI)
JUDGE

January 29, 2025
harish

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