



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

CWP-30834-2024(O&M)
Date of decision :02.04.2025

JAGSIR SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sunil Kumar Dhanda, Advocate
for the petitioner.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

HARSH BUNGER, J. [ORAL]

Prayer in the present petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *mandamus* for directing the respondent No.2 to hold an enquiry or to register an FIR against respondent No.3 (Ex-Sarpanch) for mis-appropriating the funds of *Gram Panchayat* and for destroying the record of the *Panchayat* after the completion of her tenure.

2. It is averred that respondent No.3-Amarjit Kaur remained *Sarpanch* of Village Koliyanwali, Tehsil Malout, District Sri Muktsar Sahib, for a period of ten years and thereafter, in the year-2018, the elections were held wherein, the petitioner won the election and was declared the *Sarpanch* of Village Koliyanwali. It is stated that respondent No.3 neither handed over the charge nor the Panchayat records to the petitioner. It is further stated that the petitioner tried to seek record under the Right to Information Act, 2005 also but to no avail.

2.1 It transpires that earlier the petitioner approached this Court by way of filing **CWP-36975-2019**, which came to be disposed of vide order dated **10.09.2021** (Annexure P-2) by directing the Director, Rural Development and Panchayat, Punjab, to hold an enquiry and conclude the same positively within a period of 15 days.

2.2 Evidently, the afore-said order dated 10.09.2021 (Annexure P-2) was not complied with, accordingly, the petitioner preferred a contempt petition (**COCP-2440-2021**). During the pendency of the afore-said contempt petition, the Director, Rural Development and Panchayat, Punjab passed an order dated 25.10.2021 (Annexure P-3), directing the District Development and Panchayat Officer, Sri Muktsar Sahib, to make arrangements to re-prepare the record by arranging statements of bank accounts of the utilized grants/panchayat funds through the Panchayat Secretaries posted during the tenure of Smt. Amarjit Kaur (respondent No.3, herein) as regards the withdrawn amount entries as per the resolutions and if required, services of a chartered accountant be taken.

2.3 It appears that the petitioner filed yet another writ petition (**CWP-205-2023**), seeking a direction to the respondents therein to provide the old record of panchayat of Village Koliyanwali, on the plea that the Ex-sarpanch has not handed over the records of the panchayat to him. In the said writ petition, the following order was passed on 26.07.2023 (Annexure P-4) :-

“Counsel for the petitioner submits that petitioner is the sitting Sarpanch and was elected in the year 2018 but despite that respondent No.8, i.e. ex Sarpanch, has not handed over the record of the Panchayat to him. He submits that there are various orders by the Courts as well, but the same have not been complied with.

Ms. Akshita Chauhan, DAG, Punjab, who is appearing on behalf of respondents No.1 to 7 and submits, on instructions from BDO Jaswant Singh, that original record was burnt and the fresh one was already prepared but it is the petitioner who never came to collect the same. She further submits that if petitioner visits the office of respondent No.6, i.e. BDPO, Malaut, available record would be handed over to him.

In view of the statement made by learned State counsel, let the petitioner be present in the Office of respondent No.6 on 28.07.2023 at 10.00 A.M., and as submitted by learned State counsel, the record would be handed over to him without any delay.

Resultantly, the present petition is disposed of in the above terms.”

2.4 It is stated that despite the afore-said directions by this Court, the concerned record was not handed over and the petitioner filed an application (**CM-13713-CWP-2023**) for recalling the order dated 26.07.2023 (Annexure P-4), which was disposed of on 11.09.2023 (Annexure P-5), by observing as under :-

“Sh. Jaswant Singh, BDPO, Malout i.e. respondent No.6 is present in person in Court today along with the record. He submits that after passing of the order dated 05.09.2023 by this Court, he prepared the record but the petitioner did not accept the same. He submits that a registered letter was also sent to the petitioner for collecting the record but the petitioner did not turn up for the same. He submits that he has also brought the record today with him for handing over to the petitioner.

Let the record brought by the BDPO, Malout be handed over to the petitioner in the Court today itself.

The applicant-petitioner has accepted the record and has submitted that record produced in the Court is incomplete.

The applicant-petitioner would be at liberty to seek the documents, which are not available in the record handed over to him in the Court today.

In view of the above, present application stands disposed of.”

2.5 It appears that in pursuance of afore-said order dated 11.09.2023, the petitioner submitted a representation dated 29.09.2023 (Annexure P-6) and since, no action was taken thereupon, the petitioner preferred another writ petition (**CWP-29543-2023**), which came to be disposed of vide order dated 12.01.2024 (Annexure P-7), the relevant extract thereof reads as under :-

“Petitioner has approached this Court praying for issuance of order or direction calling for the record of the case and after perusal of the same issue directions to respondents to comply with the order dated 25.10.2021, Annexure P-3. In the alternative it is prayed to direct respondent No.2 to register FIR against respondent No.6 (Ex-Sarpanch) for misappropriation of funds of Gram Panchayat and after completing the tenure of respondent No.6, destroyed the record of Panchayat.

Learned counsel for the petitioner submits that petitioner has given representation, dated 29.09.2023, Annexure P-6, but no action has been taken on the same till date.

Notice of motion to official respondents only at this stage.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents/State and at the outset has submitted that on the representation filed by the

petitioner, action has already been taken against the erring officials as they have been charge sheeted, vide order dated 02.01.2024. Let a copy of this order be supplied to learned counsel for the petitioner during course of the day.

In view of the above statement made by learned State counsel, the present petition is disposed of with liberty to the petitioner to avail his remedy as available to him under the law.”

2.6 Thereafter, the petitioner is stated to have sought information from the police authorities as regards the action taken in the matter; whereupon, the petitioner has been provided copy of the conclusion report dated 26.03.2024 (Annexure P-8), the relevant extract of which reads as under :-

“From the inquiry proceedings of the application, it transpires that the applicant Jagsir Singh is the Sarpanch of the said village Kollianwali since 2018, who has filed an application against the earlier Sarpanch Amarjit Kaur wife of Dyal Singh, resident of Kollianwali for not handing over the charge, however, in this regard, the applicant Jagsir Singh has filed separate petitions in the Hon’ble Court and the applicant Jagsir Singh has given application regarding the misuse of panchayat funds by former Sarpanch Amarjit Kaur and the destruction of panchayat records. That from the inquiry proceedings, the said matter is found to be related to destruction of the panchayati record and not handing over the charge further. This matter has been found to be related to the Department of Panchayats. Owing to which, the applicant has been directed to approach the higher officials of the Panchayat Department and carry out an investigation in this regard, so that after the inquiry proceedings by the officers of the Panchayat Department, appropriate

action will be taken by the police department. For the time being, the application is not actionable by the local police. The application is recommended to be consigned to the office.”

2.7 In the afore-mentioned circumstances, the petitioner has again preferred the present writ petition before this Court with the plea that no action has been taken against the *ex-sarpanch* or against the other officials, who are in connivance with the *ex-sarpanch*.

3. Heard.

4. Apparently, the petitioner is claiming that after he was elected as the Sarpanch in 2018 panchayat elections of Village Koliyanwali, the previous Sarpanch-Amarjit Kaur (respondent No.3) did not hand over the panchayat records to him. From the afore-said facts, it is evident that the petitioner has repeatedly approached this Court and in pursuance of orders passed by this Court, the matter was enquired into and some record was also made available to the petitioner; however, petitioner has claimed that the complete records have not been handed over. Further, a perusal of order dated 12.01.2024 (Annexure P-7) passed in **CWP-29543-2023** would reveal that action against the erring officials has already been taken by issuing them charge sheet vide order dated 02.01.2024 and even the liberty was given to the petitioner to avail his remedy in accordance with law, however, the petitioner has again filed the present writ petition.

5. In my considered view, the erring officials have already been charge-sheeted and in case, the petitioner still had any grievance then he could have approached the Director, Department of Rural Development and Panchayat, Punjab; in terms of the liberty already granted to him vide order dated 12.01.2024 passed in **CWP-29543-2023**, however, he has not done so for the reasons best known to him.

5.1 Be that as it may, even on a pointed query to the learned counsel for the petitioner to refer to any material to show the complicity of respondent No.3 in the matter, he has failed to do so. It *prima facie* appears that the petitioner is pursuing the litigation with some oblique motive. Accordingly, I find no merit in this petition and the same is dismissed.

5.2 It is clarified here that the afore-said observation shall have no bearing on the outcome of proceedings already initiated against erring officials nor this order shall stand in the way of any action that may be called for against the erring officials or any other person, who may be found involved in the matter.

6. All pending application/s, if any, shall also stand closed.

April 02, 2025
gurpreet

(HARSH BUNGER)
JUDGE

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