



CWP-38668-2025 (O&M)

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

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CWP-38668-2025 (O&M)
Date of decision : 04.02.2026

**Gram Panchayat Village Chuhewal, through
its Sarpanch**

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Ajay Pal Singh, Advocate
for the petitioner.

HARSH BUNGER, J. [ORAL]

1. Prayer in the present petition filed under Articles 226 of the Constitution of India, is for issuance of a writ in the nature of certiorari for setting aside the order dated 19.11.2025 (Annexure P-3) issued by Deputy Economic and Statistical Advisor, Gurdaspur (respondent No.5), whereby the development works have been entrusted to respondents No.6 & 7 herein for execution.

1.1 A further prayer has been made for issuance of appropriate directions for directing the respondents to allot the development works mentioned in the order dated 19.11.2025 (Annexure P-3) to the petitioner - Gram Panchayat, Chuhewal for execution.

2. Present writ petition has been filed by petitioner - Gram Panchayat through its Sarpanch, on the plea that recently a financial grant to the tune of ₹11 lakhs has been sanctioned and released under the



Member of Parliament Local Area Development Scheme (MPLAD) for doing the following development works.

Sr. No.	Village	Name of work	Amount (in lacs)
1.	Chuhewal	Construction of boundary wall of Government Middle School	1.00
2.	Chuhewal	Solar lights	2.00
3.	Chuhewal	Sewerage	8.00
		Total	11.00

2.1 It is stated that upon release of the aforesaid funds, Deputy Economic and Statistical Advisor, Gurdaspur (respondent No.5) vide its letter dated 07.11.2025 (Annexure P-1) sought estimates/quotations for the above referred works; whereupon the office of Block Development and Panchayat Officer, Qadian (Gurdaspur) got the estimates prepared and forwarded the same to respondent No.5, vide its letter dated 10.11.2025 (Annexure P-2).

3. It is case of the petitioner - Gram Panchayat that the coram of their Panchayat is complete and they are fully competent to execute the above-referred works however the respondent No.5 vide the impugned letter dated 19.11.2025 (Annexure P-3) has entrusted the execution of the said works to the respondents No.6 & 7 herein i.e. Executive Engineer, Panchayati Raj, Gurdaspur and Executive Engineer Mandi Board, Gurdaspur, respectively.



4. It is contended that under the Punjab Panchayati Raj Act the development works are executed through Gram Panchayat only and not through any other Government Agency, however, despite various representations as well as the legal notice dated 25.11.2025 (Annexure P-4) issued by the petitioner - Gram Panchayat, no heed has been paid to the same and rather vide letter dated 04.12.2025 (Annexure P-5), the request of the petitioner- Gram Panchayat, has been declined.

5. In view of the aforementioned circumstances the present petition has been filed before this Court seeking relief(s) as mentioned hereinabove.

6. At this stage, Mr. Nirmaljit Singh Diwana, Sr. DAG, Punjab, appears on behalf of the respondent-State, in pursuance of the advance copy of paper book having already been supplied to him, and opposed the claim made by petitioner- Gram Panchayat. By referring to impugned letter dated 19.11.2025 (Annexure P-3), learned State counsel submitted that for executing the development works, namely, for construction of sewerage for disposal of sludge water (Rs. 8 lakhs) and for construction of boundary wall of Government Middle School (Rs. 1 lakh), the Executing Agency has been nominated as Executing Engineer, Panchayati Raj, Gurdaspur, which is a Government Agency.

7. It is submitted that since the aforesaid development works are technical in nature, therefore, they are required to be executed under the technical supervision of the concerned Government Agency and strictly according to the technically approved estimates and no deviation therein is allowed. It is further submitted that the work has been directed to be

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executed from the Government Agencies so as to ensure timely completion of the work and also keeping in view the fact that the responsibility of maintenance and up-keeping of the said work has been assigned to the concerned Executing Agency as well, which may not be possible for the Gram Panchayat to achieve. It is further contended that for executing development works under MPLAD scheme, Panchayati Raj institutions do not have exclusive domain and the works can be executed through other agencies as well. Reliance is placed upon an order dated 16.05.2013 in CWP No.3788 of 2013, titled as ***“Gram Panchayat village Kahnuwa versus State of Punjab and others”***. Accordingly, learned State Counsel has prayed for dismissal of the writ petition.

8. Heard.

9. During the course of hearing, specific query was raised to the learned counsel for the petitioner – Gram Panchayat, as to how and through whom, the above-referred development works namely construction of sewerage for disposal of sludge water and boundary wall of Government Middle School will be executed. In response thereto, it has been submitted by the learned counsel for the petitioner that the Gram Panchayat would call for tenders and appoint an outside agency for executing the said works.

10. In my considered view, since the development works namely construction of sewerage for disposal of sludge water as well as the construction of boundary wall of Government Middle School are technical works, therefore, the same are required to be executed through a Government Agency, which has been duly done in the present case. The reasoning put forth on behalf of the learned State counsel for entrusting

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these works to the specialised Government Agency is well-founded, so as to ensure timely completion of the development works and also the entrustment of maintenance thereof to the said Government Agency as well. On the other hand, in case the said development works are to be carried out through the petitioner – Gram Panchayat, in that eventuality, not only the execution of the works be delayed but it would also involve third party and supervision of the work may prove to be difficult. Considering the technical nature of the development works to be executed, I am of the considered view that the same has been rightly entrusted to the Government Agency for execution, vide the impugned letter dated 19.11.2025 (Annexure P-3) and it does not need any interference by this Court.

11. That apart, the issue as to whether the amount released under the Member of Parliament Local Area Development Scheme is necessarily required to be utilized only through the Gram Panchayat and no other agency is no more *res integra*, as the same also stands decided by a Co-ordinate Bench of this Court vide order dated 16.05.2013 in CWP No.3788 of 2013, titled as ***“Gram Panchayat village Kahnuwa versus State of Punjab and others”***, wherein it was held as under:-

“Having heard the learned counsel for the parties at considerable length after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that the present one is not a fit case warranting interference at the hands of the Court, while exercising its writ jurisdiction under Article 226/227 of the Constitution of India. To say so, reasons are more than one, which are being recorded hereinafter.

A combined reading of the provisions of Sections 86 and



89 of the Act of 1994 and the guidelines of August, 2012 of MPLAD Scheme, available on the record of this case, leaves no room for doubt that funds released under MPLAD Scheme are not the Gram Panchayat funds under the 1994 Act, as sought to be projected by the petitioner. As per the stand taken by the respondent-State in its written statement, the District Authority cannot release the funds suo motu to anybody, until and unless the recommendations are made by the concerned Member of Parliament and are sent to the District Authority on his letter head, duly signed by him as per para 3.1 of the guidelines on MPLAD Scheme. Since the Gram Panchayat funds under Section 86, financial assistance to the Gram Panchayats under Section 89 of the 1994 Act and the guidelines on MPLAD Scheme are distinctly independent, being separate from each other, there is no scope of confusing these two funds with each other nor there is a scope of any ambiguity in this regard, as has been sought to be created by the petitioner.

The objective of the MPLAD Scheme is to enable the MP's to recommend works of developmental nature, with emphasis on the creation of durable community assets, based on the locally felt needs to be taken up in their constituencies. Right from inception of the Scheme, durable assets of national priorities viz. drinking water, primary education, public health, sanitation and roads etc. are being created. Further, based on the practical experiences gained over the number of years after introducing the MPLAD Scheme, Government of India thought it appropriate to increase the amount which was initially Rs. five lacs per Member of Parliament in the year 1993. This amount came to be revised to Rs. one crore per annum per MP constituency from 1994-95, which was further increased to two crores from 1998-99. This amount has been further increased to Rs. five crores from the financial year



2011-12. The responsibility for policy formulation, release of funds and prescribing monitoring mechanism for implementation of the Scheme, would be of Ministry of Statistics and Programme implementation. The department in each State/ UT's have been designated with the overall responsibility of supervision, monitoring and coordination of the MPLAD Scheme implementation, through the District Authorities.

With a view to achieve the above said objective, a complete mechanism has been put in place under the guidelines on MPLAD Scheme.

Para 2.6 of the guidelines deals with recommendation/sanction of the works and the same reads as:

"Each MP will recommend works up to the annual entitlement during the financial year in the format at Annex-III to the concerned District Authority. The District Authority will get the eligible sanctioned works executed as per the established procedure of the State Government". (in the matter of technical sanction, tender/non-tender, schedule of rates, etc. However, powers to grant administrative sanction/approval will continue to remain with District Authority."

Para Nos. 2.10 and 2.11 which deal with District Authority and implementing agency, providing a very wide scope in this regard, read as under:

"District Collector/District Magistrate/Deputy Commissioner will generally be the District Authority to implement MPLADS in the district. If the District Planning Committee is empowered by the State Government, the Chief Executive Officer of the District Planning Committee can function as the District Authority. In case of Municipal Corporations, the Commissioner/Chief Executive Officer may function as



the District Authority. In this regard, if there is any doubt, Government of India in consultation with the State/UT Government, will decide the District Authority for the purpose of MPLADS implementation."

The District Authority shall identify the agency through which a particular work recommended by the MP should be executed. The executing agency so identified by the District Authority is the implementing agency. The Panchayati Raj Institution (PRIs) will preferably be the Implementing Agency in the rural areas and works implementation will be done through Chief Executive of the respective PRI. The Implementing Agencies in the urban areas should preferably be urban local bodies and will implementation through Commissioner/Chief Executive Officers of Municipal works done be Corporations, Municipalities. Further, the District Authority may choose either Government Department unit or Government agency or reputed Non-Governmental Organization (NGO) as capable of implementing the works satisfactorily as Implementing Agencies. For purpose of execution of works through Government Departments, District Authority can engage agencies such as, Public Health Engineering, Rural Housing, and Urban Housing Boards, Electricity Boards, Development Authorities etc, as Implementing Agencies. However, whenever an NGO is selected as implementing agency, it should have the requisite expertise in the chosen field of execution. The NGO should preferably be of National repute and should be selected by a Committee under District Authority. The Implementation through NGO thereafter can follow State procedures.



A bare reading of the above said relevant provisions of the guidelines, leaves no manner of doubt that a very wide scope has been provided leaving it to the discretion of the concerned member of parliament, to recommend the eligible work on his letter head duly signed by him. Recommendation of any third party or representatives of MP's are not admissible and cannot be acted upon. So far as the job to identify the Implementing Agency by the District Authority is concerned, again there is a very wide scope in this regard, contained in para Nos. 2.10 & 2.11 read with para No. 3.3 of the guidelines. Different relevant factors for consideration are there for the District Authority for identifying the Implementing Agency.

In the present case, it is not even the pleaded case of the petitioner Gram-Panchayat, that it was capable of getting the work in question executed, within the period stipulated under the impugned sanction order dated 22.01.2013 (Annexure P-1). Further, the petitioner-Gram Panchayat is, as a matter of fact, not claiming itself as an Implementing Agency. As per the nature of the job and given time schedule, it is for the District Authority to identify the Executing Agency. Respondent No.3 has identified respondent No.5, as an Executing Agency. Admittedly, the Executing Agency is of the Government Department.

During the course of arguments, learned counsel for the petitioner failed to point out any arbitrariness in the decision making process, at the hands of respondent No.3, while identifying respondent No.5, as the Executing Agency under the guidelines on MPLAD Scheme. So far as the judgments relied upon by the learned counsel for the petitioner are concerned, there is no doubt about the law laid down therein, however, both the judgments are of no help to the petitioner, being clearly distinguishable on facts. In the judgment of this



Court in Gram Panchayat Village Mann's case(supra), there was not even a passing reference of MPLAD, thus, the judgment is not applicable in the present case. Similarly, in the case of Bhim Singh (supra), the Hon'ble Supreme Court was dealing with the constitutional validity of MPLAD Scheme.

Further, the guidelines on MPLAD Scheme which were under consideration of the Hon'ble Supreme Court at that time, were the guidelines of November, 2005, which have been further revised vide guidelines of August 2012. It is pertinent to note here that on the basis of the provisions contained in para 2.11 of the guidelines regarding Implementing Agency, the Hon'ble Supreme Court made the relevant observations in para No. 72 of the judgment in Bhim Singh's case (supra), only to the effect that Panchayati Raj Institutions will be preferred as Implementing Agency. However, neither it is the object of the MPLAD Scheme nor any provisions are contained in the guidelines on MPLAD Scheme, to the effect that the Panchayati Raj Institutions will be the only Implementing Agency. The observations made by the Hon'ble Supreme Court in para No. 72 of the judgment in Bhim Singh's case (supra) are also only to the effect that the Panchayati Raj Institutions will be the preferred as Implementing Agency. However, it is not the ratio dicendi in Bhim Singh's case (supra) that it will be only the Panchayati Raj Institutions and no other agency including the Government Agency, which would be the Executing/Implementing Agency.

Having said that, this court feels no hesitation to conclude that although the Panchayati Raj Institutions have not been excluded from the zone of consideration, while identifying as Implementing Agency, at the hands of the District Authority, yet the Panchayati Raj Institutions cannot claim their exclusive domain to the effect that it would be only the Panchayati Raj Institutions and no other department



including Government Department, who could be the Implementing Agency.

Further, it is settled proposition of law that peculiar facts and circumstances of each case are to be examined, considered and appreciated first before applying any codified or judgemade law thereto. Sometimes one additional fact or circumstance can make the world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

After a close scrutiny of the guidelines on MPLAD Scheme, this Court is satisfied that the adequate mechanism of cheques and balances have been provided under the guidelines. The eligible work recommended by the member of parliament, being a project to be completed in a time bound manner, the District Authority i.e. respondent No.3 in the present case, did not act arbitrarily while identifying respondent No. 5, a Government Department, as the Implementing Agency, capable of executing the eligible work qualitatively, timely and satisfactorily.

In this view of the matter, it is unhesitatingly held that the action of respondent No.3, while issuing the impugned sanction order was neither arbitrary nor unreasonable. Thus, the sanction order dated 22.01.2013 (Annexure P-1) deserves to be upheld.

In view of the discussion in the foregoing paragraphs, answer to the question posed at the outset, is and has to be in the negative. It is held that on receipt of the recommendation qua any eligible work from the concerned member of parliament, the District Authority is competent and empowered to identify any Implementing Agency including Panchayati Raj Institutions, Government Department or Government Agency or a reputed Non Government Organization (NGO), being capable of implementing the



works satisfactorily. In the present case, District Authority has identified respondent No.5, as the Implementing Agency, strictly in accordance with the scope and spirit of the relevant provisions of the guidelines on MPLAD Scheme and particularly provided under para 2.11, reproduced above. Further, during the course of hearing, learned counsel for the petitioner could not point any patent illegality or perversity in the impugned action taken by the respondent- authorities.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that the present writ petitions are misconceived, bereft of merit and without any substance. Thus, this batch of writ petitions must fail. No case for interference has been made out.”

12. Considering the totality of circumstances, I find no merit in the petition and the same is accordingly dismissed.

13. All pending applications (if any) shall also stand closed.

February 04, 2026
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(HARSH BUNGER)
JUDGE

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