

(2020) 01 RAJ CK 0031
In the Rajasthan High Court
Case No : Civil Writ Petition No. 679 Of 2020

Barma Devi Meena

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 16-01-2020

Acts Referred:

Rajasthan Panchayati Raj Act, 1994 — Section 97

Citation : (2020) 01 RAJ CK 0031

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Bhushan Singh Charan

Final Decision : Dismissed

Judgement

This writ petition has been filed by the petitioner on 13/1/2020 aggrieved against the order dated 1/8/2017 (Annex.5) passed by the Divisional

Commissioner, Ajmer, whereby, the petitioner â?" an ex-Sarpanch, has been held guilty of the allegations and has been debarred for five years from

contesting the elections for any Panchayati Raj Institution.

The petitioner was elected Sarpanch of Gram Panchayat Dablachanda, Panchayat Samiti Shahpura District Bhilwara during the period 2002-2006.

The petitioner was issued a notice with the allegations that during her tenure she issued Pattas of land against law to her close relatives by misusing

her position, based on the order passed by the Addl. District Collector in certain revision petitions, which were filed against grant of said Pattas.

The petitioner contested the said charges and based on which the Chief Executive Officer, Zila Parishad, Bhilwara was appointed as inquiry officer to

inquire into the said charges, who gave his report dated 28/12/2016 and came to the conclusion that the Pattas in question were issued to husband,

father-in-law and brother-in-law of the petitioner of the land which was reserved for public utility, which was against the rules and found her guilty of misusing office.

Based on the said report, the petitioner was issued notice by the Divisional Commissioner, however, the petitioner did not appear, based on which by order dated 1/8/2017, the report of the inquiry officer was concurred by the Divisional Commissioner and it was directed that the petitioner shall not be eligible for being chosen for a period of five years from the date of order to any Panchayati Raj Institution.

It is submitted by learned counsel for the petitioner that the order impugned passed by the Divisional Commissioner is not justified in the circumstances

of the case. Submissions were made contesting the findings recorded by the inquiry officer that issuance of Pattas were not against the interest of

Gram Panchayat as the houses of her relatives were already constructed under â??Indira Avas Yojnaâ?? and as recommendations were made by

the administrative authorities in the camp â??Prashasan Gaon Ki Aurâ?? for issuance of Pattas, therefore, the order impugned passed by the

Divisional Commissioner deserves to be set aside.

I have considered the submissions made by learned counsel for the petitioner and have perused the material available on record.

The notice was issued to the petitioner as the Collector on a revision petition filed under Section 97 of the Panchayati Raj Act found that the issuance

of Pattas to the relatives of the petitioner was illegal. Whereafter, inquiry was held in which the petitioner was found guilty and the Divisional

Commissioner issued notice to the petitioner before passing the order dated 1/8/2017, however, the petitioner chose not to appear, which resulted in

passing of the order impugned dated 1/8/2017. The petition, as noticed hereinbefore has been filed on 13/1/2019 i.e. after 2 ½ years of passing of the

order. No reason has been indicated in the writ petition for the delay in filing the writ petition. Orally it was submitted that the petitioner was not

supplied the copy of the order dated 1/8/2017 at the relevant time. The said submission cannot be accepted on its face value. It is not denied that the

petitioner was aware of the proceedings before the Divisional Commissioner inasmuch as the copy of notice along with inquiry report has been

produced in original as Annex.4 and, therefore, it was incumbent on the

petitioner, even if she did not appear before the authority, to find out the outcome of the notice/proceedings. The delay remains unexplained and is sufficient for dismissal of the writ petition.

Even on merits, it is apparent that the Collector found that the Pattas have been issued to close relatives i.e. husband, father-in-law & brother-in-law

illegally and, therefore, the submissions sought to be made by learned counsel for the petitioner seeking to justify the issuance of Pattas and claiming

the same to be validly issued also cannot be countenanced.

In view of the above discussion, there is no substance in the writ petition. Consequently, the same is dismissed.