
(2011) 03 P&H CK 0290
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 4529 of 2011

Jaswinder Kaur

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 14-03-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 227
Punjab Panchayati Raj Act, 1994 — Section 200(1)

Citation : (2011) 03 P&H CK 0290

Hon'ble Judges : Mehinder Singh Sullar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Mehinder Singh Sullar, J.—Concisely, the facts, which need a necessary mention for the limited purpose of deciding the core controversy, involved in the instant writ petition and emanating from the record, is that in the wake of General Gram Panchayat Election, Petitioner Jaswinder Kaur was elected as Sarpanch of village Jalvehra, Block Sirhind, District Fatehgarh Sahib, in view of the provisions of The Punjab Panchayati Raj Act, 1994 (herein after to be referred as "the Act").

2. The Block Development and Panchayat Officer, Sirhind, District Fatehgarh Sahib-Respondent No. 4 (for short "the BDPO"), on written request of Sukhwinder Singh and Sher Mohammad, submitted its report dated 10.02.2011 to the District Development and Panchayat Officer, Sirhind, Fatehgarh Sahib-Respondent No. 3 (for brevity "the DDPO") to the effect that the quorum of the members of the Gram Panchayat is not complete and the grants are lying unutilised, hampering the development of the village. So, Respondent No. 4 requested that some official be appointed for spending the grants of the Panchayat and for perusing the cases of ejectment of shamlat land.

3. In the wake of receipt of report from Respondent No. 4, Respondent No. 3 sent a letter dated 14.02.2011 and directed the Sarpanch and member panchayat to start the development work within a period of 15 days but in vain.

Finding no alternative, Respondent No. 4 appointed Bhagat Singh, S.E.P.O, Block Sirhind as Administrator of the Gram Panchayat for a limited purpose to utilise the grant of Rs. 1 lac under RDF scheme for construction of pucca streets and drains (Naali) and for a limited period i.e till 05.04.2011, vide impugned order dated 08.03.2011 (Annexure P3).

4. The Petitioner did not feel satisfied and preferred the instant writ petition, challenging the impugned order (Annexures P3), invoking the provisions of Article 226/227 of the Constitution of India.

5. After hearing the learned Counsel for the Petitioner, going through the record, with his valuable assistance and after considering the entire matter deeply, to my mind, there is no merit in the instant writ petition.

6. However, the celebrated argument of learned Counsel that since some of the member Panchayats are not cooperating with the Petitioner and action ought to have taken against them, so the appointment of Administrator is illegal, is not only devoid of merit but misplaced as well.

7. As is evident from the record that as the quorum of the Gram Panchayat was not complete, therefore, sanctioned grant of Rs. 1 lac under RDF scheme for the construction of pucca streets and drains (Naali) remained unutilised, hampering the development of the village. The BDPO reported the matter to the DDPO in this regard, who after completing the codal-formalities, appointed S.E.P.O as Administrator of Gram Panchayat till 05.04.2011, vide impugned order (Annexure P3), the operative part of which is as under:

Therefore, I Kuldeep Singh, District Development and Panchayat Officer, Fatehgarh Sahib, on the recommendation of Block Development and Panchayat Officer, Sirhind and on the written request of Sher Mohammed Panch and Sukhwinder Singh Panch, I came to the conclusion that Quorum of Sarpanch Gram Panchayat Jalvehra is not complete. Therefore, by using the powers given u/s 200(1) of the Punjab Panchayati Raj Act, 1994, I am appointing Sh. Bhagat Singh, SEPO, Block Sirhind at Village Jalvehra for spending the grant of Rs. one lac, till 5.4.2011, which comes under the RDF Scheme for construction of pucca streets and drains (Naali). After 05.04.2011, the said order are treated as cancelled.

8. Meaning thereby, the DDPO has appointed the Administrator only for a limited purpose of utilising the grant of one lac under RDF scheme for construction of pucca streets and drains (Naali) and for a limited period i.e till 05.04.2011. It has specifically been mentioned in the impugned order (Annexure P3) that after the expiry of period (05.4.2011), the impugned order would be treated as cancelled.

9. Not only that, taking an action against the erring Panches, under the Act, who did not co-operate with the Sarpanch, is one thing while carrying out the development of the village is altogether a different matter. The development of the village cannot possibly be permitted to be jeopardised or hampered by the

petty village (politics) of Panches.

10. Therefore, since the impugned order (Annexure P3) is only effective upto 05.04.2011 and that to for a limited purpose, so, no ground for interference in the impugned order is made out, in exercise of the extraordinary writ jurisdiction of this Court, under Articles 226 and 227 of the Constitution of India,

11. In the light of the aforesaid reasons, as there is no merit, therefore, the instant writ petition is hereby dismissed as such.

12. Needless to mention here, that the Respondents are directed to complete the statutory enquiry and take appropriate action against the erring Panches, within a period of three months from the receipt of certified copy of this order.