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**(2012) 07 P&H CK 0299**

**In the Punjab And Haryana At Chandigarh**

**Case No : Civil Writ Petition No. 11147 of 2011**

Mohanjit Singh

APPELLANT

Vs

State of Punjab etc.

RESPONDENT

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**Date of Decision :** 17-07-2012

**Acts Referred:**

Punjab Panchayati Raj Act, 1994 — Section 19, 20

**Citation :** (2012) 4 RCR(Civil) 194

**Hon'ble Judges :** Ranjit Singh, J

**Bench :** Single Bench

**Advocate :** M.K. Singla, for the Appellant; Yatinder Sharma DAG, Punjab for the State, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

Ranjit Singh, J.—The petitioner complains that he being from party opposing the ruling party is not being allowed to work as Sarpanch for which he is duly elected. The petitioner would allege that respondents No. 6 to 7 had tried their best to get him removed by somehow by invoking proceedings under Sections 19 and 20 of the Punjab Panchayati Raj Act, 1994 but has so far remained unsuccessful. Having failed in their attempt, respondents No. 6 and 7 allegedly connived with respondents No. 3, 4 and 8 to 10 and have formed the development committee vide order Annexure P-4 making the petitioner as dummy and powerless being elected Sarpanch. Counsel would contend that there is no provision under the Act, whereby such Committee can be formed. Prima facie, this action has been taken only to deny the petitioner to act as Sarpanch of the village for which he is duly elected. In response to notice, the respondents have filed reply. It is stated that the petitioner is the elected Sarpanch but majority of the Panches submitted an application that the petitioner is not having a majority and the grants are not being spent. Accordingly, respondent No. 4 issued notice to convene the meeting but it could not be convened and, hence, the same meeting was adjourned to 16.06.2011. At this meeting, resolution was

passed for forming the development committee for doing the development work. It is further stated that the answering respondent has recommended to respondent No. 2 for cancelling the resolution and copy of the same is annexed as Annexure R3/1. The counsel for the respondents, accordingly, would plead that the writ petition be disposed of in the light of this stand taken by the respondents.

2. To me, the stand would appear to be aimed at delaying the final decision, which may be any. Even the counsel for the petitioner prays for time to have instructions in regard to this stand projected in the reply. Once the pleadings are complete and the respective stands of the parties are before the Court, then adjournment would mean only wasting the time of the Court and is, therefore, declined.

3. Apparently, there is no justification offered in the reply for this action which the respondents look to constitute the Committee. This is nothing but an effort to nullify the play of democracy at grass root level. The elected Sarpanch cannot be made ineffective in this manner by appointing committee to carry out functioning of the Panchayat. Such an interference would be in violation of the constitutional mandate besides being arbitrary, unfair and unreasonable. The impugned order, therefore, cannot be sustained. The same is set aside. This writ petition is allowed with costs of Rs. 25,000/-. This cost may be recovered from respondent No. 4, who has issued directions for constituting the Committee as he is seen liable for this act.