
(1976) 03 RAJ CK 0020
In the Rajasthan High Court
Case No : Civil Writ Petition No. 208 of 1970

Ram Prasad Sharma	Vs	APPELLANT
State of Rajasthan		RESPONDENT

Date of Decision : 10-03-1976

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1976) WLN 76

Hon'ble Judges : C.M. Lodha, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

C.M. Lodha, J.—By this writ petition under Article 226 of the Constitution, the petitioner has prayed for setting aside the order dated 7.1.1969 by the Government of Rajasthan whereby it was directed that the amount of Rs. 1000/-, advanced to the respondent No. 4 Keshavdeo Sarpanch, Panchayat Samiti Bichpuri may not be recovered from him, nor any action be taken against him, under the Rajasthan Panchayat Act, 1953.

2. The facts of the case lie within a very narrow compass. The respondent No. 4 Keshavdeo by virtue of being the Sarpanch, Panchayat Samiti, Bichpuri became a member of the Panchayat Samiti, Khandar. He also held the office of Chairman, Agricultural Standing Committee of the said Panchayat Samiti. On 6.1.1960 seven villagers of village Bichpuri made an application before the Panchayat Samiti Khandar for grant of aid of Rs. 1500/- for construction of a well in Khasra Nos. 82, 83 and 84 and on this application Keshavdeo sanctioned an amount of Rs. 1000/- on 9.1.1960. The petitioner's case is that as a matter of fact this application was moved by Keshavdeo himself and the signatures purporting to be of the villagers thereto were forged by Keshavdeo. It is further alleged by the petitioner that Keshavdeo constructed the well in his own land and submitted false accounts in the Panchayat Samiti, in this connection. The Panchayat Samiti, therefore, initiated proceedings for recovery of this amount from Keshavdeo. The

petitioner moved an application before the Collector, Sawai Madbopur for recovery of the amount from Keshavdeo and also for taking appropriate action against him for his disgraceful conduct. The Collector, Sawai Madhopur got an enquiry made into the allegations against Keshavdeo and finding the allegations against him prima facie proved, directed that the amount of Rs. 1000/- may be recovered from Keshavdeo along with penalty and criminal prosecution be launched against him. The Government of Rajasthan also by its order dated 12-9-1968 endorsed the view of the Collector, Latter on, Keshavdeo made an application to the Government of Rajasthan stating that the well had been constructed in the Khatedari land of his father in a corner about which he had no knowledge. He further submitted that the well so constructed was a public well even then he was prepared to surrender two biswas of land in which the well had been constructed. He also requested the Government that the land may be declared as public Siwaichak. The Govt. allowed this request by its order dated 1-1-1969 and directed that the well may be declared as a public well and a document may be got executed from Keshavdeo that he would have no right over the well, nor would be ever interfere with the right of the public to use the water of the well. The police was also directed to drop the criminal proceedings contemplated against Keshavdeo Arguments of Mr. B.L. Sharma learned Counsel for the petitioner were heard on March 5, 1976 and the case was adjourned for today at his request. Nobody has appeared for the petitioner today. Hence I have heard Mr. H.N. Calla, Deputy Government Advocate.

4. The petitioner's grievance is that since Keshavdeo was guilty of disgraceful conduct and had illegally managed to obtain a loan from the Samiti by abusing this office, he should have been removed as Sarpanch and the amount should have been ordered to be recovered from him.

5. The State has opposed the writ petition. It is urged by Mr. Calla, learned Deputy Govt. Advocate that the Govt. was competent u/s 69 of the Rajasthan Panchayat Act, 1953 to pass the order complained of and the petitioner has no locus standi to challenge it. There is no doubt that the Government is the Chief Controlling Authority u/s 69 of the Rajasthan Panchayat Act in respect of all matters relating to administration of Panchayats and if, in the circumstances of the case, it thought fit not to recover the amount from Keshavdeo on account of his having surrendered unconditionally the land where the well was constructed, it cannot be said that the order is without jurisdiction or otherwise illegal. The petitioner has no interest in the subject matter of the writ petition and the petition seems to be an outcome of some private dispute which the petitioner wants to settle by means of this writ petition.

6. There is no force in this writ petition and the same is hereby dismissed. But there will be no order as to costs.