
(2016) 08 P&H CK 0202
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 15478 of 2016 (O&M)

Veeral Kaur

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 22-08-2016

Acts Referred:

Punjab Panchayati Raj Act, 1994 — Section 201

Citation : (2016) 4 RCR Civil 519

Hon'ble Judges : Rameshwar Singh Malik, J.

Bench : Single Bench

Advocate : Harbhajan Singh, Advocate, for the Appellant; Ms. Monika Chibber Sharma, DAG, Punjab, Umesh Kumar, Advocate, for the Respondent

Final Decision : Disposed Off

Judgement

Rameshwar Singh Malik, J. (Oral) - The present writ petition is directed against the order dated 18.07.2016 (Annexure P-2), whereby Administrator was appointed for the Gram Panchayat of the petitioner.

Notice of motion was issued.

2. Learned counsel for the State refers to the provisions contained in Section 201 of the Punjab Panchayati Raj Act, 1994 (in short "the Act"), to contend that the petitioner has not availed equally efficacious alternative remedy available to her, before filing the present writ petition.

Heard learned counsel for the parties.

3. The scope and ambit of Section 201 of the Act came up for consideration of this Court in "Binder Kaur v. State of Punjab and others" decided on 30.09.2015 and reported as 2016 (1) RCR (Civil) 634.

4. The relevant operative part of order passed by this Court in Binder Kaur's case (supra) deserves to be noticed and the same reads as under :-

"5. Having heard learned counsel for the parties and gone through the material available on record, Section 201 of the Act gives power to the Director, Rural Development and Panchayat, Punjab to entertain revision petition against the order of the DD&PO passed under Section 200 (1) of the Act.

6. Thus, the present petition is not maintainable and hence the same is hereby dismissed. However, the petitioner is granted liberty to challenge the impugned order before the Director, Rural Development and Panchayat, Punjab by way of a revision petition under Section 201 of the Act. It is further directed that in case such a revision is filed within seven days from the date of receipt of certified copy of this order, the Director, Rural Development and Panchayat, Punjab shall decide the same within one month thereafter. The petitioner may take other pleas also in the said petition, which shall be decided by the Director, Rural Development and Panchayat, Punjab."

5. However, it has been clarified by learned counsel for the State that now the revisional powers are with the Secretary, Department of Rural Development and Panchayat, Punjab.

6. In view of the above said undisputed fact situation, the present writ petition is disposed of relegating the petitioner to her equally efficacious alternative remedy by filing revision under Section 201 of the Act. It is directed that in case the petitioner files an appropriate revision petition within a period of seven days from the date of receipt of certified copy of this order, the revisional authority shall decide the same at an early date and within a period of one month thereafter. The petitioner shall be at liberty to raise all possible pleas available to her, while filing her revision petition which shall be decided by the revisional authority by passing an appropriate order, strictly in accordance with law.

7. Since while issuing notice of motion vide order dated 03.08.2016, an interim order was passed. The said order dated 03.08.2016 shall continue to operate in favour of the petitioner, till her revision petition is decided by the revisional authority.

8. With the aforesaid observations made and directions issued, the Civil Writ Petition is disposed of.