



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

***CWP-441-2025 (O&M)***  
**Date of Decision: 13.01.2025**

CHARANJIT KAUR AND ANOTHER ...Petitioners

Versus

STATE OF PUNJAB AND OTHERS ...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSH BUNGER**

Present : Mr. Jaspal Singh Pannu, Advocate  
for the petitioners.

Mr. Navneet Singh, Sr. D.A.G., Punjab.

**HARSH BUNGER, J. (ORAL)**

Petitioners namely, Charanjit Kaur and Bakhtawar Singh, are both husband and wife, have filed the present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *mandamus*, directing the respondent authorities, not to harass them on politically motivated grounds which is in complete violation of the provisions of the Punjab Panchayati Raj Act, 1994.

2. Briefly, petitioner No.1-Charanjit Kaur wife of petitioner No.2-Bakhtawar Singh served as the Sarpanch, Gram Panchayat Chorawali, Block Batala, District Gurdaspur, from the year 2018-2024, whereas petitioner No.2-Bakhtawar Singh s/o Jagir Singh remained Sarpanch of Gram Panchayat Chorawali, from 2013-2018 and has now again been elected as Sarpanch in October 2024.

2.1 Petitioners allege that they owe allegiance to the Indian National Congress Party, whereas the ruling dispensation in the State of

Punjab is that of the Aam Aadmi Party and on account of that fact, the respondent authorities are issuing notices to them, calling upon them to submit records of the Panchayat expenditure for the last ten years. Petitioners claim that there were certain allegations of mis-appropriation of Panchayat funds against them and they were exonerated vide order dated 21.08.2023 (Annexure P-1) issued by the Divisional Deputy Director, Department of Rural Development and Panchayats, Government of Punjab, Jalandhar. It is stated that despite their exoneration, the petitioners are being harassed on account of party faction and the authorities are seeking Panchayat records from the petitioners pertaining to the last ten years on completely unfounded grounds.

2.2 In the afore-mentioned circumstances, the petitioners have filed the present writ petition before this Court.

3. Heard.

4. A perusal of Annexure P-1 would show that the allegations of mis-utilization/mis-appropriation of grants/panchayat funds, were enquired into and during enquiry, nothing is stated to have been found against them. However, a perusal of Annexures P-2 to P-5 would indicate that the Panchayat Department is seeking the records of the Gram Panchayat, Choranwali, to be deposited with the concerned Office.

4.1 Apart from *bald* assertions made in para No.12 of the writ petition that all the records have been handed over, no document/material has been placed on record to indicate that the necessary records pertaining to the Panchayat have been handed over to the concerned quarters.

4.2 There is a specific provision under Section 87 of the Punjab Panchayati Raj Act, 1994, with regard to deposit of all the records of the

Gram Panchayat to the Block Development and Panchayat Officer concerned, which reads as under :-

*87. Custody and maintenance of Gram Panchayat records properties (1) The Sarpanch and in his absence the Panch authorised by the Gram Panchayat or by the Block Development and Panchayat Officer in this behalf shall be responsible for the safe custody of the movable property of the Gram Panchayat and such of its records as may be prescribed and immovable property belonging to or vested in the Gram Panchayat shall also remain in his charge.*

*(2) The Panchayat Secretary shall be responsible to maintain up-to-date all the records of the Gram Panchayat in the custody of the Sarpanch or the Panch as under section (1).*

*(3) The Sarpanch or Panch, as the case may be shall before filing of his nomination papers for election or on vacation of his office due to any cause whatsoever shall handover complete charge of such records and property to the Block Development and Panchayat Officer.*

*(4) If the Sarpanch or the Panch fails to hand over such records or property as specified in sub-section (1) within the period as may be prescribed, the Block Development and Panchayat Officer may apply to an Executive Magistrate within whose jurisdiction the Gram Sabha area is situated for securing from such Sarpanch or Panch such records or property, as the case may be.*

*(5) On receipt of an application under sub-section (4), the Executive Magistrate may, by an order, authorise any police officer not below the rank of a Sub-inspector to enter and search any place where such records or property are kept or are believed to be kept, and to seize them and the records and property so seized shall be handed over as soon as possible to the Block Development and Panchayat Officer concerned.*

*(6) Notwithstanding anything contained in this Act, whoever, in contravention of the provisions of this section willfully evades*

*the handing over of such record or property shall, on conviction by Judicial Magistrate of the first class be punishable with imprisonment either description which may extend to three years or with fine or with both.”*

5. In view of the afore-mentioned circumstances and in the absence of any document/record to suggest that the petitioners have handed over all the records to the concerned department after the expiry of their tenure, no indulgence can be granted to the petitioners only on their *bald* assertions that they have handed over all the records and that they are being harassed on account of the political grounds.

6. Finding no merit in the writ petition, the same is, hereby, dismissed.

7. All pending application/s, if any, shall also stand closed.

**January 13, 2025**  
gurpreet

**(HARSH BUNGER)**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No