



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

CWP-6105-2025(O&M)
Date of decision :05.03.2025

HARJINDER SINGH

...Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. L.S. Sidhu, Advocate
for the petitioner.

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

HARSH BUNGER, J. [ORAL]

Petitioner (Harjinder Singh) has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *mandamus* for directing respondents No.1 to 5 to take action against respondents No.6 to 8, as per representation dated 23.07.2023 (Annexure P-1).

2. The representation dated 23.07.2023 (Annexure P-1) moved by the petitioner before respondent No.2-the Director, Rural Development and Panchayat Department, reads as under :-

“To

*The Hon'ble Director Rural Development and Panchayat
Department, District Mohali:- Complaint Branch.*

*Subject:- Regarding embezzlement of RS.5-6 lacs by writing
resolution quorum by Sarpanch Gram panchayat
Gurdeep Singh and panchayat Secretary Rajinder Kumar
(Tona) and panchayat member Pavittar Singh.*

Sir,

*It is requested that Gram Panchayat Navi Abadi Village
Saddo Majra Block Khehra, District Fatehgarh Sahib above said*

persons without completing quorum. One panch and Sarpanch has passed resolution and has withdrawn about 5/6 lacs from panchayat account which is detailed as under :-

Accusation No.1 :- *In the month June 2023 one resolution was passed by Sarpanch having only one panch signature and withdrawn 5/6 lacs and the remaining members having no information regarding utilization of this funds.*

Accusation No.2 :- *That as per instructions of the Government panchayat before utilizing amount has to take prior permission from the Administration and JE has to prepare estimate.*

Accusation No.3 :- *That has not got passed any resolution for starting the work nor he has informed to the remaining panchayat members. Panchayat Secretary Rajinder Kumar @ Tona has written the resolution in the house of Sarpanch and has embezzled about 5/6 lacs out of panchayat account. When I demanded copy of resolution then they refused to provide the copy of resolution.*

Accusation No.4 :- *That Sarpanch convening with Narega labours without any work done has deposited amount in their accounts. Whereas he has not got signatures of the labourers on the must role. And has given loss of rupees one lac fifteen thousands six hundred seventy (115670)to the Government.*

Accusation No.5 :- *Sarpanch and secretary after passing the resolution in the panchayat and thereafter reaching home they used to white fluid to tamper with resolution. This can be checked in the proceeding book as per Govt. Instructions using fluid on proceeding book is a offence.*

Accusation No.6 :- *Panchayat has passed resolution for cleaning the village by expending Rs.6400/-. But Sarpanch has withdrawn Rs.8400/- in lieu of Rs.6400/- by tampering with the resolution.*

Accusation No.7 :- *On 21.06.2023 panchayat secretary Rajinder Kumar (Tona) kept the meeting of panchayat in community centre but I remained waiting there for one hour but Rajinder Kumar (Tona) did not arrive for meeting.*

Accusation No.8:- *Sarpanch has withdrawn Rs.53675/- out of panchayat fund for making boundary line of community center. But has not shown name of any labourer on must role.*

Accusation No.9:- *Sarpanch Gurdeep Singh and panch Pavittar Singh kept illegal possession on panchayat land by constructing house over panchayat land.*

So stern action be taken against Sarpanch Gurdeep Singh and member panchayat Pavittar Singh and Rajinder Kumar (Tona).”

2.1 A perusal of the above-said allegations made in the representation dated 23.07.2023 (Annexure P-1) would show that the same

are vague and general in nature. It appears that the petitioner is seeking a roving enquiry against respondents No.6 to 8.

3. It is fairly settled law that roving enquiry is not contemplated in a writ petition by the High Court invoking the jurisdiction under Article 226 of the Constitution of India in the absence of necessary pleadings and materials.

3.1 Further, in *Ashok Kumar Pandey v. State of W.B. 2004(3) SCC 349*, the Hon'ble Apex Court held that petition seeking to make a roving enquiry on speculative foundations and premises, cannot be entertained.

3.2 The Hon'ble Apex Court in *Narendra Bahadur Singh and Anr. V. State of U.P. and Ors., AIR 1977 Supreme Court 660*, held that material and essential facts should be pleaded in the writ petition.

4. Since the representation dated 23.07.2023 (Annexure P-1) as well as the writ petition is completely devoid of material particulars and only vague and general allegations have been made therein, I do not find any merit in this writ petition and the same is accordingly dismissed.

5. All pending applications (if any) shall also stand closed.

March 05, 2025
gurpreet

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No