

141 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-8380-2025 (O/M)
Date of decision : 05.05.2025

Rinku Petitioner

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE HARSH BUNGER

Present :- Mr. Parminder Singh, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG Haryana.

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HARSH BUNGER, J. (ORAL)

Petitioner (Rinku) has filed the instant civil writ petition under Articles 226/227 of Constitution of India, inter alia, seeking a writ in the nature of mandamus for directing respondents to consider the representation dated 30.07.2024 (Annexure P-3), submitted by the petitioner, calling upon official respondents to take action against respondent No. 5 (Pinki Rani, Panch, Gram Panchayat Badarpur), who according to the petitioner has attracted disqualification in terms of Section 175 (n) of Haryana Panchayati Raj Act, 194 (in short '1994 Act') and further to take action against respondent No. 5 under Section 51 of 1994 Act.

2. Briefly, respondent No. 5 (Pinki Rani) is an elected Panch of Gram Panchayat, Badarpur. According to the petitioner, at the time of filing her nomination for contesting the post of Panch, respondent No. 5

had given an undertaking that neither she nor her family members are in possession of panchayat or shamlat land. It is claimed by the petitioner that one eviction petition has been filed against father-in-law of respondent No. 5, namely, Zile Singh, under the Public Premises Act. It is alleged that respondent No. 5 is living jointly with her father-in-law and has a common family ID. It is stated that the petitioner had submitted a representation dated 30.07.2024 (Annexure P-3) against respondent No. 5, which was marked to the concerned Block Development and Panchayat Officer and the inquiry proceedings have been initiated, wherein the petitioner as well as respondent No. 5 were called for preliminary inquiry in the matter.

2.1 According to the petitioner, respondent No. 5 has clearly incurred disqualification under Section 175 (n) of 1994 Act and is liable to be removed under Section 51 of 1994 Act. Accordingly, the instant civil writ petition has been filed before this Court.

3. Heard.

4. The allegation against respondent No. 5 is that she is residing jointly with her father-in-law, against whom eviction proceedings are pending. As per petitioner's own saying, on his representation dated 30.07.2024 (Annexure P-3), the preliminary inquiry into the matter has already been initiated, wherein the petitioner as well as respondent No. 5 had been called, vide letter dated 29.10.2024 (Annexure P-4).

4.1 In my considered view, once the proceedings have already been initiated by way of preliminary inquiry, the purpose of filing the instant civil writ petition can be seen as an attempt to somehow browbeat

the authorities. Evidently, the eviction proceedings are pending against father-in-law of respondent No. 5 and on the other hand, as per petitioner's own saying, his complaint/representation is also being inquired into, although, status of the same has not been put on record.

4.2 In case the allegations levelled by the petitioner are found to be substantiated, then the authorities would certainly act against respondent No. 5 in accordance with law. However, I find no compelling reason to issue any direction in the present matter at this stage,

5. Resultantly, the instant civil writ petition fails and the same is accordingly dismissed.

6. Pending application (s), if any, shall also stand closed.

(HARSH BUNGER)
JUDGE

05.05.2025
sjks

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