

**(1963) 03 P&H CK 0017**

**High Court Of Punjab And Haryana At Chandigarh**

**Case No:** Civil Writ No. 1570 of 1962

Smt. Tikani Bai

APPELLANT

Vs

Punjab State and Others

RESPONDENT

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**Date of Decision:** March 20, 1963

**Acts Referred:**

- Civil Procedure Code, 1908 (CPC) - Section 80
- Constitution of India, 1950 - Article 226
- Punjab Gram Panchayat Act, 1952 - Section 100, 19, 20, 21, 22

**Citation:** AIR 1964 P&H 15

**Hon'ble Judges:** I.D. Dua, J

**Bench:** Single Bench

**Advocate:** D.N. Awasthy, for the Appellant; B.D. Mehra, General, for the Respondent

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**Judgement**

@JUDGMENTTAG-ORDER

I.D. Dua, J.

The Petitioner, Smt. Tikani Bai, claims to be a co-opted member of the Gram Panchayat Ganaur having been co-opted as such by means of a resolution passed by the Panchayat on 5-1-1961. She took oath of her office on 16-1-1961 at Rohtak and has since been working as a member of the Panchayat. She was co-opted because there was no woman" candidate at the general election of the Panchayat and the Gram Panchayat, Ganaur was accordingly called upon by the Panchayat Officer to co-opt a woman member. On 2-1-1961, all the members of the Panchayat attended The Panchayat meeting and it was decided that the panchayat should meet again on 5-1-1961 and in the mean while applications for eligible woman candidates for being co-opted to the Panchayat should be invited. On 5-1-1961 at 4 P.M. panchayat accordingly for the purpose of co-opting a women member to the Panchayat the Petitioner being the only Applicant, by majority it was decided send her application to the Panchyat Officer with the recommendation of the Panchyat for her Co-option

Shri Kalyan Singh Sarpanch, Shri Richku Ram and Shri Sabu Ram members, voted in favour the Petitioner's co-option but Shri Siri Chand declined to sign the proceedings as token of his consent. The resolution was duly forwarded the, Panchayat Officer who had asked for the co-option of a woman member by 6-1-1961. The Petitioner is also stated to have attended a seminar of woman Panches in village Karion, district Amritsar, from 7-2-1961 to 11-2-1961 and was duly allowed T.A. for the pur-pose by order of the Block Development Officer.

2. According to the Petitioner's allegations, Shri Siri Chand did not feel happy on the Petitioner co-option, with the result that he along with some others made some complaints to the Block Development and Panchayat Officer, Ganaur in this connection. The Block Development and Panchayat Officer made certain enquiries from the Sarpanch but since the Petitioner was not served with any notice of any proceedings, she instituted a declaratory suit, claiming a declaration that she was a validly co-opted member of the Panchayat. In that suit she claimed relief by way of restraint order against Respondents Nos. 2 and 3 in the pre sent viz Sub-Divisional Officer (Civil) Sonapat the Gram Panchayat, Ganaur. This suit was decreed by the Subordinate Judge, 1st Class Rohtak on 30-5-1961 and the Gram Panchayat was restrained and prohibited from interfering with the Petitioner's discharge of duties as a member the Panchayat. The suit against Respondent No. 2 had to be dropped because no proper notice had been served on him u/s 80 Code of Civil Procedure. In the meantime it appears that "on 28-3-1961. the Sub-Divisional officer (Respondent No. 2) made an order purporting u/s " 97 of the Punjab Gram Panchayat Act suspending the resolution of the Panchayat dated 5-1-1961 and forwarding his order (Which at one at one stage he described as his report) to the Director of Panchayat, Punjab, for confirmation. This order has also been described in the petition to be wholly illegal, improper and void for various reasons, stated therein. According to the petition the defects in this order were pointed out to the Director of Panchayats and it is claimed that the Director of Panchayats, therefore, rightly ignored "the said order which was not confirmed.

3. Suddenly, on 24-9-1962, the Punjab State passed, an order purporting, to be in exercise of the powers conferred ,on it by Section 100 of the Punjab Gram Panchayat Act rescinding what it described to be the order dated 5-1-1961, passed by the Gram, Panchayat Ganaur, co-opting Smt. Tikani Bai as a Lady Panch because the said resolution had been passed without holding regular meeting after giving any valid notice to all the Panchyat It is this order which is the subject-matter of challenge in the present proceeding.

4. The attack on behalf of the Petitioner based on three main grounds. In the first instance it has been urged that Section 100 of the Punjab Gram Panchayat Act only justifies interference with executive orders and impugned resolution passed by the Panchayat, cannot be described as an executive order. It is next contended that the order, is mala fide or has been made for a collateral purpose and therefore outside

the statute. And Lastly, it has been very forcefully urged that the Petitioner having not been given any notice the impugned order which vitally affects the Petitioner's right as a Co-opted member of the Panchayat deserves to be quashed,,,being violative the well-known rule of natural justice.

5. In the written statement filed on behalf of the Respondents by the Director of Panchayat and Deputy Secretary to Government Punjab Development and Panchayat Department, the principal defence which appears to emerge is that the meeting of the Panchayat held on 5-1-1961 has evidently not been called by the Sarpanch by giving prior notice to all Panches and that he had invited two or, three Panches of his party at the back of the remaining Panches and he wrote the proceedings on 5-1-1961 for the co-option of the Petitioner. Since the Meeting" held on 5-1-1961 had not been validly convened, the" decision to CO-option the Petitioner is not valid. It is needless, to state that it has also been denied that the question of CO-opting a woman Panch in the Gram Panchayat Ganaur was raised at the Panchayat, meeting held on 2-1-1961 and that during the course of that meeting it was decided to consider this matter on 5-1-1961. It is also pleaded that the mention of the decision to consider the question of co-option on 5-1-1951 to quote the exact words "seems to have been clearly made afterwards as it is not mentioned at the proper place in the proceedings book.

It is further averred, that if this decision had actually been taken at the earlier meeting there was no reason why all the eight Panches, particularly those opposed to the Petitioner should not have attended the meeting. It is, however, not questioned that four Panches including the Sarpanch actually attended the meeting held, on 5-1-1961, out of whom three voted in favour of the Petitioner and Siri Chand declined to sign the proceedings. It is admitted that the Petitioner actually attended the various functions in the capacity of a Panch and the reason given as to why she was permitted to do so is that, she stated, herself to be a lady Panch and the question of her having been validly co-opted as such had never been examined by anyone who admitted her to the various functions. It is also admitted that a competent Civil Court granted her a decree but according, to the reply, this decree merely shows the existence on the record of the resolution of the Panchayat for her co-option as a woman Panch and until that resolution was properly cancelled according to law the Petitioner was allowed to hold the office of Panch.

While replying to the averment relating to the order made by the Sub-Divisional Officer (Civil) Sonapat u/s 97(1) of the Grain Panchayat Act, it is pleaded that the resolution co-opting the Petitioner having in fact been executed the order of the Sub-Divisional Officer could not be confirmed u/s 97(2) of the Act. It is next pleaded that it was for this reason that the matter was taken up by the Government u/s 100 of the Act and after examining the record of the proceedings the resolution of the Panchayat dated 2-1-1961 (it appears to be a Typing mistake for 5-1-1961) co-opting the Petitioner was rescinded by the Government (vide paragraph 6 of the written

statement).

The Petitioner's counsel has pointedly "drawn my, attention to the reply in paragraph 10(iii) and (iv) the written statement. Paragraph 10(iii) and (iv) the petition deals with the allegations of mala fides and abuse of power and it has been expressly stated that the action taken by Respondent No. 1 is mala fide in abuse of his power because it has been taken for the collateral purpose of victimising the Petitioner for having voted and worked against Ch. Randhir Singh in the general elections of February, 1962 and, for having actively worked for Ch. Lehri Singh who was pitched against the former and who came out successful for the Parliamentary constituency. Ch. Ranjinder Singh having been very friendly with the Director of Panchayats, it is pleaded that the Petitioner's father, who is a very influential person, being also the President of the local displaced persons and a prominent local worker and who was in a position to influence and successfully canvas six or seven thousand voters, had been personally approached by the Director of Panchayats to help Ch. Randhir Singh, but the Petitioner's father did not accede to this request. This incident "wording to the petition is the root cause of the action taken by the Director of Panchayats. The written statement had disposed of these allegations by the bare denial "it is incorrect" without expressly stating as to which part of the allegations is incorrect. It has been strongly emphasised on behalf of the Petitioner that the written statement is signed and verified by the same Director of Panchayats.

6. In so far as the contention that Section 100 of the Gram Panchayat Act only authorises interference with executive orders and the impugned resolution cannot be described as such, the learned Counsel for the Petitioner has submitted that according the scheme of the Act it is only the administrative or ministerial orders of the Gram Panchayat in the conduct of its business, duties, functions and powers, as contained in Chapter III of the Panchayat Act which are subject to the review of the Government u/s 100, and that matters dealing with the constitution of the Gram Panchayat as contained in Section 6 could not be intended to have been subjected to the control of the Government, as contemplated by Section 100. Emphasis has in this connection been laid on Sections 19 to 22 of the Act and it has been Stressed that it is perhaps only in the discharge of its administrative duties that the executive orders passed by the Gram Panchayat were intended to be subjected to the governmental control u/s 100. The very fact that this co option is provided by means of a proviso to Section 6, which deals with the "constitution of Gram Panchayats, and disqualification to be members thereof "according to Shri Awasthy suggests that this is not one of those executive orders which were meant to be controlled by the Government u/s 100.

The counsel has in this connection equated Section 100 with Section 51 of the Act which provides for supervision of criminal proceedings by District Magistrate and also with Section 65 which provides for supervision by District Judges in respect; of

civil suits and by Collectors in respect of revenue suits. It is urged that it is only the administrative or ministerial functions performed by the Gram Panchayats, as contemplated by Chapter III of the Act, which are subject to the supervision and control by the Government u/s 100. The co-option of women as in pursuance of the proviso to Section 6 when no woman has been elected in the elections is intended to be a substitute method of securing representation of women on Gram Sabhas and, therefore, to confer on the Government u/s 100 purely administrative or ministerial power to interfere with the co-option does not, according to the counsel, fit in with the scheme of the Act. Such a power, it is suggested, would be liable to abuse and misuse and may tend to interfere with the free functioning of the Panchayat. It has in addition been submitted that Section 100 like Section 97 is also inapplicable to cases where a resolution has exhausted itself.

7. In reply for the Respondents, reliance has been placed on the plain language of Section 100 and it has been argued that the power conferred is unqualified and the Government can interfere with all proceedings and orders of the Panchayats and do whatever it considers fit and proper if it feels dissatisfied with the legality or propriety thereof.

8. Neither side has brought to my notice any precedent direct or indirect, which would throw helpful light on the question of legislative intent in regard to the enactment of Section 6(1) proviso and Section 100 and the matter appears to be one of first impression.

9. The next contention strongly pressed is that the impugned order is not bona fide and has been passed for a collateral purpose. Shri Awasthy has laid great stress on the submission that on 5-1-1961 Siri Chand, who did not sign the proceedings, must have known the true position if there was in fact any dishonest interpolation with the record in so far as the proceedings held on 2-1-1961 go. An application was apparently made by someone to the Block Development and Panchayat Officer for looking into the matter and the Sub-Divisional Officer, Sonapat on 28-3-1961 actually suspended the resolution of 5th January, at the same time forwarding his report to the Director for confirmation. According to the writ petition, objections to the order of the Sub-Divisional Officer were brought to the notice of the Director with the result that he ignored the said order and declined to confirm the action of the Sub-Divisional Officer suspending the said resolution. This does not seem to have been denied. During all this period the Petitioner continued to act as a Panch and also to draw T.A. without any objection from any quarter, and indeed T.A. was allowed to her by the orders of the Block Development Officer himself.

My attention has then been drawn to the allegations contained in Para 10 of the petition and the bald denial by the Director of Panchayats to sub-paras (iii) and (iv) thereof. It has been submitted that keeping in view the rule of pleadings this Court should infer against the Director and the allegations contained in the said two sub-paras should be deemed not to have been denied. The contention is, that if

there had actually been some surreptitious interpolation by the Sarpanch and his two colleagues in the record of the proceedings held on 2-1-1961, as has been suggested, the Government would have taken action immediately on receipt of the report of the Sub-Divisional Officer dated 28-3-1961 and would not have delayed things till 24-9-1962, as is actually the case. This delay of about a year and a half, according to the counsel, would, tend to throw doubt on the Respondents' version, it has also been strongly urged that had it been really so, some serious action would certainly have been taken against the Sarpanch as well, who, according to the Respondents' plea, was guilty of grave and serious misconduct inasmuch as he forged the proceedings. The very fact that no action has been taken against the Sarpanch, according to Shri Awasthy, clearly suggests that it is only the Petitioner's co-option which is being attempted to be set at naught after such a long time, and this, the counsel asserts, is due to the fact that the Director is feeling annoyed on account, of the allegations contained in paras 10(iii) and (iv) of the petition. In this connection it has further been pointed out that the Petitioner was never given any notice of the proposed action which was going to affect her vitally, and this also suggests that the Director has not dealt with the matter, fairly and justly.

10. In the course of his arguments on the question of mala fides reference has been made by [Mohsinali Mahomedali and Others Vs. The State of Bombay](#), for the proposition that determination arrived at mala fide is not a determination at all and that mala fides vitiates all decisions however arrived at. For the Respondents, it has been submitted that mala fides are not to be too readily inferred or imputed to the acts of responsible officers and also that the proceedings of the Panchayat dated 2-1-1961 have intrinsic evidence in them which disclose that the item of co-opting a woman Panch was subsequently added and that interpolation is clear to the naked eye. Shri Mehra has in support of his contention strongly relied on the original proceedings which have been produced in this Court.

11. I have examined the record produced in this Court in the light of the arguments addressed and I find that the position is not quite so simple as has been urged on behalf of the Petitioner. There is an application addressed by Siri Chand, Member Panchayat, to the Block Development Officer, Ganaur in which it is stated that on 15-1-1961 (and that appears to be the date of the application) at the Gram Panchayat meeting it was discovered that on 5-1-1961 one meeting had been held in which decision in favour of Smt. Tikni Bai had been given and also that Siri Chand had been stated to have participated in the meeting. Siri Chand denied all knowledge about such a meeting, and indeed asserted that no such meeting had been held. A copy of this application was forwarded each to the Panchayat Officer S.D.O., Deputy Commissioner and the Director Panchayats. In the end it was suggested that for future guidance, the Sarpanch should be warned not to hold any meeting without written notice. This application appears to have been received by the Block Development Officer on 18-1-1961.

There is also another more detailed application addressed to the Block Development Officer by Santu Ram, Siri Chand, Shri Ishar, Fattu Ram and Charanji Lal, Members Panchayat, and in this application also it has been stated that they came to know of the alleged meeting of 5th January during the meeting held on 15-1-1961. The alleged meeting of 5th January has been described to be fictitious and it has been asserted that Siri Chand was completely ignorant of any such meeting. The version given in this application also shows that on 15-1-1961 when Shri Santu Ram was given the register for his signatures he wanted to note that the resolution dated 5-1-1961 appeared to have been passed without any prior notice and that the proceedings were fictitious but he was not allowed to make a note and even his signatures were not secured on the register. The signatures of Shri Ishar, Member of the Panchayat, were also not obtained. It has further been stated that on 2-1-1961 the five Applicants had decided to co-opt Smt. Mam Kaur and that they were still in favour of; co-opting the said lady. One copy each of this; application too was forwarded to the Block Development Officer, the S.D.O. the Deputy Com-missioner and the Director Panchayats.

On 18-1-1961, the Block Development Offices called for a report on this application from the S.E./P.O. On 26-1-1961 Kalyan Singh Sarpanch, submitted his explanation stating that on 2-1-1961, at the Panchayat meeting they were all informed; about the meeting to be held on 5-1-1961 and that it was also noted in the proceedings. He denied having received any other application for co-option except that of Smt. Takno. The copy of the above application signed by the five Panches and forwarded to the Deputy Commissioner was marked on 19-1-1961 to the B.D. and P.O. who in turn on 24-1-1961 marked it for enquiry and report to the S.E./P.O. There is on the record another detailed application dated 31-1-1961 by Ishar Harijan, also countersigned by Sri Chand, Santu Ram and Phattu Ram Panches, addressed to the Director Panchayats in which details about the meeting of the Panchayat held on 2-1-1961 are also given. It is stated therein that on 2-1-1961, there was a talk about the question of co-option, of a woman Panch and five members were in favour of Smt. Mam Kaur and three in favour of Smt. Tikani Bai, the daughter of Sabu Ram Panch, The Sarpanch, however, declined to record this matter.

Ishar Harijan, it may be mentioned, is the husband of Smt. Mam Kaur and is also a Panch." Ishar thereupon gave an application signed by the five Panches to the Block Development Officer which is stated to have been entered at No. 20 in the dak register. In the Court file of the S.D.O. Sonapat, I actually find an application (bearing entry No. 20 as the stamp shows) dated 2-1-1961 by Smt, Mam Kaur purporting to bear her thumb impression and describing herself to be voter No. 8445 praying for her co-option, and recommended by the five Panches. It is addressed to the Deputy Commissioner, Rohtak through the Block Development Officer, Ganaur. At the back of this application there is a note by the B.D.O. dated 2-1-1961 to the following effect:

S.E./P.O. Please ask the lady concerned to invest Rs. 100/- in the Small Savings Scheme. Also send it to Chairman (Sarpanch) Ch. Kalyan Singh of village Panchayat Ganaur for his opinion and support.

On the margin there is the remark : "S.E./P.O. to note please." On 7-1-1961 one application in the form of a resolution was also sent by the five Panches to the B.D.O. and the Deputy Commissioner. Rohtak. The entry in the dak register relating to the application sent to the B.D.O. was stated to be No. 110 and the receipt of the registered letter sent to the Deputy Commissioner was also stated to be available. Later, it was learnt that the Sarpanch had fabricated a fictitious meeting of the Panchayat and incorporated a decision in favour of Smt. Tikani Bai whereupon the members in favour of Ishar sent an application to the B.D.O. with copies to the Sub-Divisional Magistrate, Deputy Commissioner and the Director. Panchayats. Among other details, it is also stated in this application that on 29-1-1961 the signatories noticed the interpolation in the proceedings dated 2-1-1961.

On 2-2-1961 the Director forwarded this application to the Assistant District Development and Panchayat Officer with a direction to have a fresh meeting of the Panchayat held and a woman Punch co-opted. On 6-2-1961, Shri P.S. Rajput Block Development and Panchayat Officer, Ganaur sent a memorandum No. NES/Gr/437/A/6-22 (typed on 2-2-1961 and signed by the B.D.O. on 5-2-1961) to the S.D.O. (Civil) Sonapat enclosing a large number of applications on the dispute in question. According to this memorandum a meeting of the Panchayat was called on 31-1-1961 attended by seven members including the Chairman. On enquiry five members declared that the proposal for co-option contained in the proceedings held on 2-1-1961 was fictitious having been recorded after the meeting was over. But the B.D.O. in his memorandum felt that there was no proof of this and, therefore, no action could be taken on it. The five members, however, declined to take part in the Panchayat meeting unless Smt. Mam Kaur was co-opted. The B.D.O. in the circumstances suggested that the dispute appeared to be a case for law Courts and he also expressed the opinion that " the Deputy Commissioner could also take action u/s 97, Panchayat Act, 1952. The S.D.O. accepted the suggestion of the B.D.O. and recommended suspension of the resolution dated 5-1-1961.

12. It is unnecessary to refer to other portions of the record in detail; suffice it to recall that on 28-3-1961 the S.D.O. Sonapat suspended the impugned resolution and forwarded his report to the Director: Annexure "C to the writ petition. Objections to this report were submitted to the Director Panchayat by Smt. Tikani Bai on 6-4-1961 in a very detailed manner; this representation appears to have been the result of legal advice as its form and language clearly suggest, because, inter alia, some rulings of the Lahore High Court were actually cited therein. It also contains a reference to a civil suit instituted by the lady against the Panchayat and the S.D.M, and to an injunction secured by her.



I may here mention that on 21-3-1961 Smt. Tikani Bai had also presented a stamped application before the S.D.M. Sonapat through a pleader stating her objections to the suspension of the impugned Panchayat resolution. In this application also a reference was made to her civil suit. As a matter of fact, there is on the record a copy of the plaint dated 15-3-1961 averring that on the basis of the report of the B.D.O. the Sub-Divisional Magistrate was wanting to suspend the impugned resolution and it was prayed, inter alia, that the Panchayat be directed not to co-opt any other woman. On 30-5-1961, Kalyan Singh Sarpanch having confessed judgment, Shri P.R. Aggarwal, Subordinate Judge 1st Class, granted Smt. Tikani Bai a declaration that she was a member of the Gram Panchayat, Ganaur and that the Gram panchayat should not interfere with the Plaintiff's performance of her duties as a Panch.

13. Now, what has been stated above clearly shows that objection to Smt. Tikani Bai's co-option was genuine and it cannot reasonably be said to have been inspired by any collateral or extraneous purpose like the alleged refusal on the part of her father to oblige the Director Panchayats during the elections in february, 1962, as suggested in the writ petition. It may be recalled that on 2-1-1961, Smt. Mam Kaur had forwarded her application for co-option to the Deputy "Commissioner through" the B.D.O. though the latter officer seems to have) sent it back to the Sarpanch and also to have called upon the lady to invest money in Small Savings Scheme : And then as early as 2-2-1961, the Director had forwarded the application dated 29-1-1961 to the Assistant District Development and Panchayat Officer with a direction to have a woman Panch co-opted in a fresh meeting. The record also quite clearly shows that there was a sharp conflict among the Panches on the question of co-option and the majority was apparently in favour of Smt. Mam Kaur.

14. I am not unmindful of the fact that in the return the reply to para 10(iii) and (iv) of the petition is a bald and general denial without specifically and explicitly dealing with the allegations in detail. It may, however, be stated that the rule of travers to which reference has been made at the bar is according to our law of pleadings, not so stringent as to completely and absolutely disentitle the Court to require a fact deemed to be admitted as a result of non-denial in explicit terms, to be proved otherwise than by such an admission. According to the general prevailing practice, pleadings in this country are not strictly construed and omission to traverse does not necessarily and conclusively amount to proof. Besides, in writ proceedings, unlike suits etc., when no oral evidence is to be led and the whole record is before the Court, this rule loses much of its rigour and stringency, though one cannot deny its existence. The object of pleadings is after all merely to bring the parties to an issue and the rule of implied admission by non-traverse is intended simply to prevent unnecessary enlargement of issues. On the facts and circumstances of this case, therefore, I am not persuaded to hold, on the state of the pleadings alone, that the action of the Director was inspired by any collateral and extraneous circumstances which are alleged to have taken place during the elections of 1962.

I must not however, be understood to approve the frame of the return in so far as the reply to para 10(iii) and (iv) is concerned and I must observe that it would have been far more desirable if the reply had been more specific and detailed. It is on the peculiar facts and circumstances of this case that I am feeling disinclined to apply with strictness the rule of non-traverse. I have, therefore, no hesitation in repelling the contention of mala fides.

15. In so far as the question of notice to the Petitioner is concerned, it is to be borne in mind that as regards the attack against the proceedings of 2-1-1961 the Petitioner was nowhere in the picture and it is only the Sarpanch against whom serious allegations have been made, and he, according to para 6 of the return, was afforded sufficient opportunity to show cause against the proposed action. It is correct that the impugned action has also ultimately affected the Petitioner's co-option, but it must not be forgotten that Section 100 does not in terms provide for notice to all persons who may ultimately be affected by the order passed thereunder as indeed it does not speak of any notice at all. And then, on the facts and circumstances of this case, particularly keeping in View the conduct of the Sarpanch throughout the episode, I am inclined to think that the Petitioner's cause has all along been fully espoused by the Sarpanch, who, as is clear from the record, was afforded every facility and opportunity to show cause against the proposed action. The confession of judgment by him on behalf of the Panchayat in the civil suit is strongly illustrative of his collusion and identity of interest with the Petitioner. The civil decree is obviously collusive and I have no hesitation in finding it so. And then no relief was granted by the decree against any other party save the Panchayats represented by the Sarpanch. Besides, the record which has been produced before me contains everything that could have been said in support of the proceedings dated 2-1-1961 including all the explanations given by the Petitioner herself and the Sarpanch. At the bar it has not been shown as to what more the Petitioner could have done even if she had been formally called upon by the Government to show cause against the proposed action; it may be remembered that she had herself already furnished detailed explanations more than once to all the officers concerned. It would not be out of place here to observe that there is no invariable standard of reasonableness when applied to the question of affording an opportunity to be heard in compliance with the recognised rules of natural justice. The Court has in each individual case to consider whether on the peculiar facts and circumstances before it a reasonable opportunity has been afforded and to satisfy its conscience that the person affected had a fair chance of convincing the authority concerned against the grounds on which the action is proposed. On the facts and circumstances of this case, applying this test, I have little doubt that the Petitioner had more than a fair chance of showing cause against the proposed action. The contention based on absence of notice is thus also repelled.

16. This brings me to the argument already noticed in detail a little earlier, that Section 100 does not contemplate interference with the resolution of co-option of

women candidates u/s 6 and further that a resolution which has exhausted itself cannot be set aside. The point does not appear to me to be free from difficulty and plausible arguments are admissible both pro and con. I would, however, not like to express any considered opinion on it in this case because, in my view, this Court should decline to interfere under Article 226 of the Constitution on the short ground that the impugned order is in the circumstances of the case eminently just and in the interest of the village Panchayat administration and is not violative of any rule of natural justice. The Petitioner's co-option appears prima facie to have been secured by means, which, to say the least, are full of grave suspicion and apparently, collusive. The proceedings dated 2-1-1961 also seem to indicate that the item relating to co-option of a woman Panch was recorded as an after-thought.

17. Now, after all is said and done, it is to be borne in mind that the power of this Court to issue writs etc. under Article 226 of the Constitution, however wide, is, as is well-settled, intended to be exercised only in grave cases of, (a) absence or excess of jurisdiction; (b) refusal to exercise jurisdiction; and (c) violation of principles of natural justice or of serious error of law apparent on the face of the record, and, that, in addition, these infirmities must also result in manifest injustice to justify interference by this Court. Manifest injustice in the case in hand has clearly not been shown by the Petitioner; on the contrary the impugned order appears to me to be eminently and substantially just and proper. This order would clearly facilitate a proper co-option of a suitable woman Panch after notice to all concerned, and, the Petitioner also, if in law entitled to seek co-option would have an equal chance with the other candidates.

18. For all the foregoing reasons, I am clearly of the opinion that on the peculiar facts of this case interference on the writ side is not called for. This petition thus fails and is dismissed but with no order as to costs.