

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

Civil Writ Petition No.2695 of 2015

Date of Decision: 09.04.2015

Sukhpal

..... Petitioner

Vs.

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vishal Nehra, Advocate for the petitioner.

Mr. Shivendra Swaroop, AAG, Haryana
for the respondents.

JASWANT SINGH, J. (Oral)

The complainant, who is a resident of Village Bichpadi, Tehsil Gohana, has challenged the order dated 19.01.2015 (**P-4**), passed by the Deputy Commissioner, Sonapat, whereby on consideration of the reply by the Sarpanch, Gram Panchayat, Bichpadi to the Show Cause for suspension based on the preliminary report dated 04.11.2014 (**P-2**) submitted by the City Magistrate, Sonapat, any further action has been dropped. Challenge is also to the letter issued by the BDPO, Mudlana to SHO, Sadar, Gohana (Sonapat) vide **P-5** whereby it is requested that no further action be taken in the FIR filed against the Sarpanch on the earlier communication sent by the Office.

Upon notice, a written reply of Deputy Commissioner, Sonapat on behalf of respondent Nos.1 to 4 has been filed, the same is taken on record.

In the preliminary objection, it is stated that the petitioner has not availed the alternative remedy of appeal available under Section 51 of the Haryana Panchayati Raj Act, 1994 (for short "1994 Act") against the order (**P-4**) and, therefore, dismissal of the petition is prayed for.

Without going into the merits of the case, learned Counsel for the petitioner prays for withdrawal of the present writ petition to enable him to file the statutory appeal under the 1994 Act. He, however, prays for a direction for entertaining the same on merits by ignoring the delay and latches due to pursuing the matter before this Court.

In response, learned State Counsel has no objection to the same.

In view of the agreed stand, the present writ petition is dismissal as withdrawn to enable the petitioner to avail his statutory remedy.

It is clarified that in case the statutory period is filed within three weeks from today, the same shall be entertained by ignoring the delay and latches.

April 09, 2015
Gagan

(JASWANT SINGH)
JUDGE