

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

**Civil Writ Petition No. 22283 of 2016
Date of Decision: 25.10.2016**

Jarnail Singh

.....Petitioner

Vs.

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Ms. Jyoti Sareen, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the impugned communications dated 12.10.2016 (Annexure P-5) and 19.10.2016 (Annexure P-6), petitioner has approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned communications.

Learned counsel for the petitioner, at the very outset, fairly states that she does not intend to press this writ petition for the writ in the nature of Certiorari, at this stage. She further submits that petitioner has approached the respondent authorities by way of self contained representation dated 21.10.2016 (Annexure P-7), but no action thereon is being taken and the respondents are illegally proceeding further, exceeding their jurisdiction. She submits that the petitioner will be satisfied in case the Director, Rural Development and Panchayat, SAS Nagar (Mohali)-respondent No.2 is directed to consider and decide his representation, within a reasonable time and till he passes an appropriate order, the impugned communications may be kept in abeyance.

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Having heard the learned counsel for the petitioner and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the Director, Rural Development and Panchayat, SAS Nagar (Mohali)-respondent No.2 is directed to look into the matter, consider the grievance of the petitioner, raised vide his representation dated 21.10.2016 (Annexure P-7) and decide the same, at an early date by passing an appropriate order thereon, strictly in accordance with law, but in any case within a period of two months from the date of receipt of a certified copy of this order.

However, keeping in view the peculiar facts and circumstances of the case noted above, it is directed that till the Director, Rural Development and Panchayat, SAS Nagar (Mohali)-respondent No.2 passes an appropriate order on the representation of the petitioner (Annexure P-7), impugned communications (Annexure P-5 and P-6), shall remain in abeyance. It is also directed that if the order passed by the Director, Rural Development and Panchayat, SAS Nagar (Mohali)-respondent No.2 goes against the petitioner, the same shall not be executed for a period of two weeks, so as to enable the petitioner to challenge the validity of the said order before appropriate forum, in accordance with law.

With the abovesaid observations made and directions issued, present petition stands disposed of.

25.10.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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