

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

**Civil Writ Petition No. 25259 of 2016
Date of Decision: 6.12.2016**

Kuldeep Singh

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Shashi Bharat Bhushan, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Feeling aggrieved against the alleged inaction on the part of respondent authorities, 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 Mandamus.

Learned counsel for the petitioner places reliance on the specific averments taken in para 4 of the writ petition to contend that after filing statutory appeal on 27.9.2016 vide Annexure P-1, when the matter came up for hearing on 18.10.2016, 25.10.2016, 8.11.2016, 15.11.2016 and 22.11.2016, neither the hearing could materialise, nor the stay matter could be considered. He submits that in the meantime, respondent No.3 has issued communication dated 30.11.2016 (Annexure P-2) making his intention clear for appointment of casual Sarpanch in place of the petitioner. He further submits that if the stay matter is not decided at an early date, appeal filed by the petitioner will be rendered infructuous. He also submits that petitioner will be satisfied in case respondent No.1 is directed to consider

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and decide the appeal filed by the petitioner or at least the stay matter may be ordered to be considered and decided at an early date and till then, suspension order dated 22.9.2016 may be ordered to be kept in abeyance.

Having heard learned counsel for the petitioner and without expressing any opinion on the merits of this case, lest it should prejudice the rights of either of the parties, present writ petition is disposed of with a direction to the Financial Commissioner and Principal Secretary, Department of Development and Panchayats, Haryana-respondent No.1 to consider and decide the statutory appeal of the petitioner, at an early date or at least decide the stay matter without any further loss of time, by passing an appropriate order, strictly in accordance with law but in any case within a period of three months from the date of receipt of certified copy of this order.

However, keeping in view the peculiar facts and circumstances of the case noted above and also to ensure that statutory appeal of the petitioner may not be rendered infructuous causing manifest injustice to him, it is also directed that till the appeal of the petitioner or at least the stay matter is heard and decided, suspension order dated 22.9.2016 and also the communication dated 30.11.2016 (Annexure P-2) shall be kept in abeyance.

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

6.12.2016
Ak Sharma

(RAMESHWAR SINGH MALIK)
JUDGE

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