

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

CWP No.388 of 2015

Date of Decision: 27.09.2016

Gram Panchayat Kadiana

. . . Petitioner

Versus

State of Punjab and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Raj Kumar Garg, Advocate
for the petitioner.

Mr. B.M. Vinayak, DAG, Punjab.

Mr. Jagjit Singh, Advocate
for respondent No.4.

Rameshwar Singh Malik, J. (Oral)

Feeling aggrieved against the impugned order dated 12.12.2013 (Annexure P-12) passed by the Director, Rural Development and Panchayat, Punjab-respondent No.2, petitioner-Gram Panchayat has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of Certiorari, for quashing the impugned order.

Notice of motion was issued and in compliance thereof, written statement was filed on behalf of respondent Nos.1 to 3 and 5. Separate written was filed on behalf respondent No.4.

Heard learned counsel for the parties.

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It has gone undisputed before this Court that the Director, Rural Development and Panchayat, Punjab-respondent No.2, did not comply with the provisions of Section 199 (2) of the Punjab Panchayati Raj Act, 1994, before passing the impugned order.

In view of the above-said undisputed fact situation obtaining on the record of the present case, the impugned order cannot be sustained. Accordingly, the impugned order dated 12.12.2013 (Annexure P-12) passed by respondent No.2 is hereby set aside.

However, keeping in view the totality of facts and circumstances of the case, matter is remitted to the Director, Rural Development and Panchayat, Punjab-respondent No.2 with a direction to ensure strict compliance of the provisions of law contained in Section 199 (2) of the Punjab Panchayati Raj Act, 1994. He shall issue a notice to the Gram Panchayat and after granting opportunity of being heard to the Gram Panchayat as well as to complainant-respondent No.4, shall pass an appropriate order afresh, however, strictly in accordance with law.

With the above-said observations made and directions issued, instant writ petition stands allowed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

27.09.2016
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Whether Speaking/reasoned	Yes
Whether Reportable	No