

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

**CWP No.11196 of 2017
Date of decision:31.05.2017**

Nirmal Singh, Ex-Sarpanch

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. A.D.S.Jattana, Advocate
for the petitioner.

Mr. Yatinder Sharma, Addl.A.G.Punjab.

AMIT RAWAL J. (Oral)

Concededly, the impugned order dated 17.08.2016 (Annexure P-10) is appealable before the Joint Development Commissioner. The apprehension of Mr. A.D.S.Jattana, Advocate for the petitioner is that though the impugned order is dated 17.08.2016 but the certified copy of the same was made available in the Court on 03.03.2017. As per the provisions of Section 20(6) of the Punjab Panchayati Raj Act, 1994, against the aforementioned impugned order, the appeal lies before the Joint Development Commissioner and limitation is one month from the date of the communication of the order. However, the impugned order reveals that it has communicated to the effected parties including the petitioner but the same was actually received on 03.03.2017 in this Court only, i.e., during the pendency of the writ petition which fact is pointed out by referring to the

Annexure P-9 at page 38 of the paper book.

The remedy of appeal has not been denied by Mr. Yatinder Sharma, Additional Advocate General, Punjab.

Keeping in view the aforementioned fact, the petitioner is relegated to avail the remedy of appeal before the Joint Development Commissioner and in my view, limitation would start from 03.03.2017. However, the period spent in this Court shall also be condoned, in case the appeal is filed within a period of three weeks from today.

Accordingly, the writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

May 31, 2017
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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No