

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

**CWP No. 15171 of 2017
Date of Decision: 20.12.2017**

SMT. SURESH

..... Petitioner

V/s.

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. S.P. Chahar, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Ramesh Hooda, Advocate,
for respondents No. 7 to 11.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner is the Chairman of the Panchayat Samiti of Village Lakhan Majra, District Rohtak. She has challenged the notice dated 27.06.2017 and the proceedings of the meeting dated 05.07.2017 alongwith resolution/result.

Although the petitioner has raised various issues in this petition but it is submitted at the threshold, that she has not been served for the meeting held on 05.07.2017. It is submitted that she is Suresh wife of Chand Singh whereas the notice was issued to one Suresh son of Chand Singh of the same village. As a result thereof, petitioner could not attend the meeting on 05.07.2017 and resolution was passed behind her back.

After issuing notice of motion, both the sets of respondents have filed their replies. Learned counsel for the respondents No. 7 to 11, who are the members of the Panchayat Samiti, has submitted that he has no objection

if the impugned orders are set aside and the meeting is held in accordance with law.

Learned State counsel has fairly admitted that the notice of the meeting held on 05.07.2017 was wrongly served upon Suresh, son of Chand Singh whereas it should have been served upon Smt. Suresh, wife of Chand Singh (petitioner).

In view of the fact that the meeting was called to consider no confidence motion against the petitioner, the Chairman of the Panchayat Samiti, in which she has not been served, therefore, the proceedings initiated on the basis of that requisition and the resolution passed on it by the members present in the said meeting are patently illegal as the petitioner is required to be served to be present in the meeting.

Consequently, the present petition is hereby allowed and the impugned notice dated 27.06.2017 (*Annexure P-2*) and resolution/result dated 05.07.2017 (*Annexure P-3 Colly.*) are hereby set aside.

It is needless to mention that the respondents may hold a fresh meeting in accordance with law, if they so desire.

December 20, 2017

Ess Kay

**(RAKESH KUMAR JAIN)
JUDGE**

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No