

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

CWP No. 18825 of 2016 (O&M)

Date of decision: 26.4.2017

Gram Panchayat, Ghungrali Sikhan

.. Petitioner

VS

The Director Rural Development and Panchayats, Punjab,
and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present: Mr. V. K. Sandhir, Advocate, for the petitioner.

Ms. Munisha Gandhi, Addl. Advocate General, Punjab with
Mr. Sandeep Kumar Bansal, Asstt. Advocate General, Punjab.

Mr. Narinder Singh Swaitch, Advocate, for respondent nos. 4 to 8.

Rajesh Bindal, J.

The petitioner – Gram Panchayat filed the present writ petition challenging the order dated 6.4.2016 passed by the Commissioner-cum-J.D.C., Department of Rural Development and Panchayats, Punjab.

At the time of issuance of notice of motion on 9.9.2016, the following contentions raised by learned counsel for the petitioner were noticed:-

“Contentends that the predecessor of the present authority who has passed the impugned order heard the arguments on 04.02.2016 but was transferred out on 15th of the same month. The present incumbent pronounced the order on 06.04.2016 without hearing the matter by giving opportunities to the parties.”

Original file of the case was called from the office of Director, Department of Rural Development and Panchayats, Punjab.

Learned counsel for the State on perusal of file submitted that the submission made by learned counsel for the petitioner on 9.9.2016 was incorrect. She, on instructions from Gian Singh, Reader to J.D.C., Vikas Bhawan, DRDP office, Mohali, submitted that earlier the arguments were heard by the Presiding Officer on 4.2.2016 and the order was reserved, however, on his transfer the arguments were re-heard and order was reserved by the present incumbent on 30.3.2016 and the order was pronounced on 6.4.2016.

Hence, to claim that the order was announced by the present incumbent without hearing the arguments was not found to be borne out from the record. A wrong statement was made by counsel for the petitioner initially.

Considering the fact that the submission made by learned counsel for the petitioner at the time of getting the notice issued in the present writ petition, was found to be incorrect, the writ petition is dismissed with cost of ₹ 5,000/-. The cost shall be deposited with the Registry of this Court.

(Rajesh Bindal)
Judge

26.4.2017
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No