

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.25554 of 2017

Date of Decision: November 15, 2017

Rohtash and others

. . . . Petitioners

Vs.

State of Haryana and others

. . . . Respondents

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

Present: Mr.Sanjiv Gupta, Advocate,
for the petitioners.

RAKESH KUMAR JAIN, J. (ORAL)

The present petition is directed against the notice issued under Section 24(1) of the Haryana Panchayati Raj Act, 1994 [for short 'the Act'] dated 29.9.2017 and the order of the Lokayukta Haryana dated 19.7.2017 as well as the inquiry report of the District and Sessions Judge (Retired) dated 27.6.2017.

Insofar as the order of the Lokayukta Haryana, on the basis of which inquiry has been conducted by the retired District and Sessions Judge, is concerned, no further action has been taken by the Lokayukta Hayana in terms of the inquiry, therefore, there is no injury caused to the petitioners so far. However, notice issued under Section 24(1) of the Act issued by the Gram Panchayat has already been replied by the petitioners on which no adverse order has been passed so far.

Learned counsel for the petitioners has submitted that the petitioners being the proprietors, filed a suit under Section 13A of the Punjab Village Common Lands (Regulation) Act, 1961 for declaration of their title

over the land which is allegedly now the part of the impugned notice. The said suit was decided in their favour by the Collector on 2.11.1988. Consequently mutation was also sanctioned in their favour. The appeal filed by the Gram Panchayat was dismissed by the Commissioner followed by the revision dismissed by the Financial Commissioner. The matter reached upto the Apex Court and decided in favour of the petitioners. Thus, it is contended that there is no occasion for the Gram Panchayat to issue the impugned notice.

Be that as it may, once the petitioners have already filed reply to the *Show cause notice* and no adverse order has been passed, therefore, the present petition is held to be premature. However, direction is issued to the Gram Panchayat/respondent No.4 to not to take any coercive steps against the petitioners till it takes a decision on the impugned notice after taking into consideration the contents of the reply and the past litigation which ensued between the parties and reached up to the Apex Court. It is needless to mention that respondent No.4 shall not be influenced with the enquiry report as no further order has been passed by the Lokayukta Haryana on it.

With these observations, the present petition is hereby dismissed.

Record of CWP No.25151 of 2013 is ordered to be released.

NOVEMBER 15, 2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

