

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

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**CIVIL WRIT PETITION NO.30823 OF 2018
DATE OF DECISION: MARCH 08, 2019**

Karnail Singh and others

.....Petitioners

VERSUS

State of Haryana and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vikram Singh, Advocate,
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 27.08.2018 (Annexure P-3) passed by the Secretary-cum-Financial Commissioner, Department of Rural Development and Panchayat, upholding the order dated 02.02.2017 (Annexure P-2) passed by the Commissioner, Hisar Division, Hisar, whereby exparte proceedings initiated against respondent No.4 have been set-aside and the case remanded back to the Assistant Collector Ist Grade, exercising the powers of Collector, Charkhi Dadri, District Bhiwani-respondent No.3 for fresh decision.

It is the contention of learned counsel for the petitioner that as is evident from the record, the exparte proceedings were initiated against respondent No.4-Gram Panchayat, Village Rawaldhi, Tehsil Charkhi Dadri, District Bhiwani, after proper service having been effected and they had initially appeared but thereafter because of absence of Gram Panchayat,

exparte proceedings were initiated. He, thus, contends that the orders impugned cannot sustain and deserve to be set-aside.

I have considered the submissions made by counsel for the parties and with his assistance have gone through the impugned orders.

On going through the orders passed by the Commissioner, Hisar Division, Hisar, as also the order passed by the Secretary-cum-Financial Commissioner, Haryana, the reasons, which have been assigned for setting-aside the exparte proceedings, are quite justified and it is primarily with an intention to give an opportunity to the Gram Panchayat to produce its evidence in support of its assertions that the matter has been remanded back for fresh decision. The reasons, therefore, as assigned by the abovesaid authorities in the impugned orders cannot be faulted with in the given facts and circumstances of the case.

The writ petition, therefore, stands dismissed.

March 08, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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