

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

111

CWP-11045-2020 (O&M)

Decided on : 31.07.2020

Sanjeev Kumar

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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

Ms.Deepa Singh, Addl.AG, Haryana.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawal, J. (Oral)

CM-7143-CWP-2020

Application for exemption from filing certified copy of affidavit,
is allowed, in view of the averments made in the application, duly supported by
affidavit.

CM stands disposed of.

CWP-11045-2020

Prayer in the present writ petition, filed under Articles 226/227 of
the Constitution of India, is for quashing of the impugned resolution dated
21.05.2020 (Annexure P-4), passed by the Gram Panchayat.

A perusal of the resolution would go on to show that there is a
construction of a puliya/bridge which is to be done and the sanction of the
Irrigation Department was to be obtained. It is the contention of counsel for
the petitioner that initially the said resolution was challenged by filing a Civil
Suit for permanent injunction restraining the Gram Panchayat and other
defendants from constructing the bridge. The said suit was withdrawn, being
not maintainable.

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

111 CWP-11045-2020 (O&M) -2-

Counsel, accordingly, submits that thereafter, petition under Section 47 of the Haryana Panchayati Raj Act, 1994 against the said resolution had been filed on 13.07.2020 (Annexure P-10), however, hearing is not being effected on the said matter by respondent No.4. He, thus, limits his grouse that the said petition which is accompanied with a application for stay of the resolution be taken up.

Notice of motion.

Ms.Deepa Singh, Addl.A.G., Haryana accepts notice on behalf of respondents No.1 to 5.

Keeping in view the limited relief sought, this Court is of the opinion that notice need not be issued to respondents No.6 & 7, i.e., the Gram Panchayat and the Sarpanch, respectively, at this stage. Since the petitioner has availed his statutory remedy it is imperative upon respondent No.4, to take up the petition and pass necessary orders. Needless to say that it would be appropriate that respondents No.6 & 7 are issued notice in the said petition before the orders are passed on the stay application.

Accordingly, the present petition is disposed of with directions to respondent No.4 to act upon the said petition (Annexure P-10), expeditiously, in accordance with law, after calling upon the private respondents and hearing both the sides.

**(G.S. SANDHAWALIA)
JUDGE**

JULY 31, 2020
sailesh

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No