

115.

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

CWP-15027-2020 (O&M)

Date of decision: 22.09.2020

SHIV KUMAR

... Petitioner

versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Sunil K. Tandon, Advocate,
for the petitioner.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

CM-9569-2020

Prayer in this application filed under Section 151 C.P.C. is for exemption from filing the original vakalatnama, signed verification of writ petition and the affidavit of the petitioner.

Prayer for exemption from filing the original vakalatnama, signed verification of writ petition and the affidavit of the petitioner on account of COVID-19 is accepted with the condition that the applicant-appellant shall deposit the said documents within a period of one month when the situation becomes normal from the COVID-19 effect.

Application stands disposed of.

CWP-15027-2020

The petitioner has filed the present petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari to quash the order dated 03.07.2020 (Annexure P-9) whereby the petitioner has been directed to deposit a sum of Rs.10,99,900/-.

Briefly stated, a complaint was submitted by one Parvej Ahmad against the petitionerr with the allegation that the while performing the duties as acting Sarpanch of Gram Panchayat, Naharpur, the petitioner has installed a solar light of Rs.8,13,750/- and a Welcome Gate of Rs.2,86,150/- without seeking approval from the authorities. Accordingly, the BDPO, Jagadhri, vide order dated 18.10.2018 (Annexure P-5) has determined the financial loss for an amount of Rs.10,99,900/- in the Panchayat fund and while invoking Section 53(1) of Haryana Panchayati Raj Act, 1994, the BDPO, Jagadhri directed the petitioner to deposit the aforesaid amount till 02.11.2018 in the Panchayat fund Account or to make it sure that the said amount be deposited with the Accountant of the BDPO office, failing which, the amount will be recovered as arrears of land revenue. Thereafter, vide subsequent order dated 03.07.2020, the BDPO, Jagadhri has again directed the petitioner to deposit the amount pointed out against him.

At this stage, Mr. Ashish Yadav, Additional Advocate General, Haryana, has pointed out that against the impugned action, the petitioner has already filed an appeal before the Collector-cum-Deputy Commissioner, Yamuna Nagar and the same is pending consideration, but without a waiting for the outcome of said appeal, the petitioner has rushed to this Court.

Therefore, the present petition is totally premature and liable to be

dismissed.

Heard.

Noticing the fact that against the impugned action of BDPO, Jagadhri, the petitioner has already filed an appeal before the Collector-cum-Deputy Commissioner and the same is pending consideration, the present petition is disposed of at this stage with a direction to the Collector/Deputy Commissioner to decide the appeal preferably by the petitioner within a period of 3 months from today, provided the Covid-19 epidemic situation permits him to take a decision on the said appeal.

However, in case, it is not feasible for the Deputy Commissioner to decide the appeal in the aforesaid period, the petitioner shall be informed the reason for not deciding the appeal, but in any case, the appeal would be finally decided within a outer period of 6 months from today unless extension of time is granted by this Court.

(HARI PAL VERMA)
JUDGE

22.09.2020
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.