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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-40292-2018 (O&M)
Date of decision: 10.2.2020

Dharambir

.....Petitioner.

vs.

State of Haryana and others

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Farukh Abdullah, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

.....

Sanjay Kumar, J. (ORAL)

CM-14832-CWP-2019

Application is ordered. The main writ petition is taken up for hearing today itself.

CWP-40292-2018

Prayer of the petitioner, a resident of Village Phalendi, Tehsil Punhana, District Mewat (Nuh), Haryana, is to direct the authorities to remove the third respondent from the post of Sarpanch of the Gram Panchayat of the said village under Section 51 of the Haryana Panchayati Raj Act, 1994 (for short, 'the Act').

It is the case of the petitioner that the third respondent is disqualified to hold the post under Section 175 of the Act. His complaint presently is that despite submission of a report to that effect, the competent authority, viz., the Deputy Commissioner, (Nuh), District Mewat, the second respondent herein, is not taking any action thereon.

Despite the matter being adjourned several times to enable the State to explain as to why no action was taken in the matter,

Mr. Rajesh Gaur, learned Additional Advocate General, Haryana, seeks further time to get instructions.

As the competent authority, viz., the second respondent, is yet to take action in the matter, if warranted, this Court is not inclined to keep this writ petition pending for further adjudication.

As this Court does not propose to go into the merits of the matter, there is no necessity to put the third respondent on notice or afford her an opportunity of hearing.

The record reflects that the Chief Executive Officer, District Council, Nuh, submitted report dated 30.3.2018 (Annexure P-4) to the Deputy Commissioner (Nuh), the second respondent, stating to the effect that the certificate in question was forged and fabricated. It is for the second respondent to take necessary further action, as deemed fit and in accordance with law, upon the afore-stated report. Without the second respondent undertaking this exercise, no cause is made out for this Court to enter into the merits of this case.

The writ petition is accordingly disposed of directing the Deputy Commissioner (Nuh), the second respondent, to take necessary action upon the complaint made by the petitioner and the report dated 30.3.2018 (Annexure P-4) submitted by the Chief Executive Officer, District Mewat (Nuh), in accordance with the due procedure. This exercise shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

10.2.2020

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I attest to the accuracy and
integrity of this document

whether speaking/non speaking

yes/no

whether reportable/non reportable

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