

**HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP-1504-2021****(Heard through VC)****Date of decision: 22.01.2021****Rajesh Kumar****....Petitioner****V/s.****State of Haryana and others****....Respondents****CORAM: HON'BLE MS. JUSTICE RITU BAHRI.**

Present: Mr. B.S.Rathee, Advocate for the petitioner.

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**Ritu Bahri, J. (Oral)**

The petitioner is seeking direction to the respondents to stay the operation of the impugned orders dated 23.12.2016 (Annexure P-1), 04.01.2017 (Annexure P-3), 09.08.2017 (Annexure P-4) and 05.06.2017 (Annexure P-5) with regard to payment of recovery from the petitioner till the Ld. trial Court decides the stay application of the petitioner filed under Order 39 Rule 1 & 2 CPC alongwith Civil Suit dated 23.08.2017 (Annexure P-6).

Notice of motion.

Mr. Vivek Chauhan, Additionl Advocate General, Haryana accepts notice on behalf of the official respondents.

The petitioner was elected as Sarpanch of Village Joshi, Teshil Madlauda, District Panipat in the year 2010 and remained Sarpanch from 2010 to 2015. A complaint was filed against the petitioner and he was issued notice bearing letter No. 4864 dated 23.12.2016 (Annexure P-1), 5018 dated 04.01.2017 (Annexure P-3) and finally notice dated 09.08.2017 alongwith letter dated 05.06.2017 (Annexures P-4 and P-5) was served upon the petitioner for recovery of Rs.81,87,063/- The petitioner filed a

civil suit (Annexure P-6) declaring the notice/letter dated 23.12.2016, 04.01.2017 & 09.08.2017 (Annexures P-1, P-3 and P-4) being illegal null and void, alongwith application for grant of ad-interim injunction under Order 39 Rule 1 & 2 read with Section 151 CPC (Annexure P-7). His grievance is that no order on the stay application has been passed till date restraining recovery of above said amount. He further refers to zimni order dated 17.12.2020 (Annexure P-10).

Learned counsel for the petitioner has placed on record judgments passed by this Court in *CWP-13457-2013* titled as *Smt. Bharpai Sarpanch V/s. State of Haryana and another* (Annexure P-11), *CWP-11794-2014* titled as *Rekha, Sarpanch V/s. State of Hararyana and another* (Annexure P-12), *CWP-11844-2014* titled as *Rajesh Kumar V/s. State of Haryana and another* (Annexure P-13), *CWP-12117-2014* titled as *Umed Singh, Sarpanch V/s. State of Haryana and another* (Annexure P-14), *CWP-12250-2014* titled as *Kanta Devi, Sarpanch V/s. State of Haryana and another* (Annexure P-15) and *CWP-837-2015* titled as *Birmati V/s. State of Haryana and another* (Annexure P-16) whereby in similar circumstances, the respondents have been directed to maintain status quo with regard to recovery till the stay application is decided.

Keeping in view above referred judgments, this writ petition is being disposed of by giving direction to Civil Judge (Junior Division), Panipat to maintain status quo with regard to recovery of Rs.81,87,063/- till the stay application is decided.

22.01.2021

Divyanshi

RITU BAHRI  
(JUDGE)

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No