

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

Sr. No.111

CWP-11410-2021

Date of Decision: 07.07.2021

BUDH RAM AND ANOTHER

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. R.S.Sangwan, Advocate,
for the petitioners.

Mr. Ankur Mittal,
Additional Advocate General, Haryana.

(Through video conference)

RITU BAHRI, J.

The petitioners are challenging the order 31.05.2021 (Annexure P-4) passed by respondent No.3-Additional Deputy Commissioner, Charkhi Dadri, District Charkhi Dadri, Haryana, whereby, the appeal filed by the petitioners against the order dated 05.05.2021 (Annexure P-2) has been dismissed, on the ground of being time barred, as per Rule 4(8) of the Haryana Panchayati Raj Election Rules, 1994. On 01.07.2021, when this case was taken up for hearing, learned counsel for the petitioners had contended that petitioners have filed the appeal on 07.05.2021 (Annexure P-3) and there was no delay in filing the appeal. Learned State counsel was given time to clarify as to who had put signature with the date 07.05.2021 and how signature with the date 13.05.2021 has been put.

Notice of motion.

Mr. Ankur Mittal, Additional Advocate General, Haryana, accepts notice on behalf of the respondents and, on instructions received from the present incumbent Additional Deputy Commissioner, Charkhi Dadri, namely, Virender Lathar, has clarified that the appeal was filed on 07.05.2021, however, the entry in the diary was made on 13.05.2021 inadvertently.

Keeping in view the said clarification, for all intents and purposes, the appeal had been filed by the petitioners on 07.05.2021 i.e. within the prescribed limitation period, therefore, order dated 31.05.2021 (Annexure P-4) is being set aside. A direction is being given to the Additional Deputy Commissioner, Charkhi Dadri, to pass a fresh order, after giving opportunity of hearing to the petitioner and other persons. The petitioner and other persons are directed to appear before Additional Deputy Commissioner, Charkhi Dadri, on 12.07.2021 and the appeal shall be decided, in accordance with law and thereafter, respondents can proceed with issuance of final notification of wardbandi.

The present writ petition stands allowed with above-said observations.

(RITU BAHRI)
JUDGE

(ARCHANA PURI)
JUDGE

07.07.2021
himanshu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No