

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

(PROCEEDINGS THROUGH V.C.)

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LPA-962-2021 (O&M) in
CWP-18607-2021
Date of decision : 08.10.2021

Mohinder Pal

Appellant

V/S

State of Punjab and others

Respondents

**CORAM : HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA**

Present: Mr. Deepak Verma, Advocate for the appellant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

The appellant has filed the present appeal challenging the order dated 17.09.2021 whereby writ petition preferred by the appellant has been dismissed on the ground that the Appellate Authority i.e. District Development and Panchayat Officer while passing the order dated 12.07.2017 (Annexure P-8) had concluded that the notice which has been issued to the appellant vide letter dated 04.03.2016 (Annexure P-5) was only a show cause notice and as of now the responsibility with regard to the deposit of the amount as claimed i.e. Rs.77,026/- for water bills is only for the purpose of calling upon the appellant to explain the same. Further, approach of the appellant to the Director leading to the passing of order dated 28.05.2021 (Annexure P-10) also do not hold the appellant responsible.

Counsel for the appellant asserts that without giving an opportunity to the appellant, recovery is being sought to be effected from the appellant in exercise of powers under Section 216(2) of the

Punjab Panchayati Raj Act. Learned counsel for the appellant, thus, contends that the impugned orders cannot sustained.

Having considered the submissions made by learned counsel for the appellant and keeping in view the fact and the finding as has been recorded by the District Development and Panchayat Officer, Saheed Bhagat Singh Nagar in its order dated 12.07.2017 (Annexure P-8) wherein it has been clearly said that no recovery has been ordered and only a show cause notice has been issued to the appellant, we are not inclined to interfere with the order passed by the learned Single Judge. The appellant should reply to the letter dated 04.03.2016 (Annexure P-5) served upon him by the District Development and Panchayat Officer, Nawanshaher-respondent No.5 within a period of 15 days from today putting forth his position before the said authority who shall thereafter proceed to decide the same in accordance with law. It is made clear that any observations made by the authority and this Court in pursuance to the averments and the statement made by the Counsel for the appellant shall not be taken adversely against the appellant and the pleas now taken in the reply to the show cause notice shall be considered independently and decided.

The appeal stands disposed of.

**(AUGUSTINE GEORGE MASIH)
JUDGE**

08.10.2021
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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No