

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 1882 of 2022

Date of Decision: 03.02.2022

Subhash Singh

... Petitioner(s)

Versus

State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ram Pal Verma, Advocate
for the petitioner(s).

Mr. Sharad Aggarwal, Assistant Advocate General,
Haryana, for the respondents.

Anil Kshetarpal, J.

1. The petitioner is Ex-Sarpanch of Gram Panchayat, village Munimpur, Tehsil Badli, District Jhajjar. He prays for issuance of a writ in the nature of certiorari to quash the order dated 18.11.2021, passed by the respondent No.2-Deputy Commissioner, Jhajjar. The Deputy Commissioner has accepted the investigation report and directed the respondent No.3-Block Development and Panchayat Officer, Block Badli, District Jhajjar, to get the FIR registered against the petitioner. The Deputy Commissioner has passed the order as the petitioner was found to have embezzled the funds of the Gram Panchayat.

2. The order, passed by the authority, is in exercise of the powers under Section 53 of the Haryana Panchayati Raj Act, 1994 (hereinafter referred to as "the 1994 Act"). Under sub-Section 3 of Section 53 of the

3. The learned counsel representing the petitioner contends that the Director is refusing to entertain the appeal. He submits that the petitioner went to the Law Officer, posted in the office of the Director, who has refused to entertain the appeal.

4. When a statutory appeal is provided, the competent authority cannot refuse to entertain the appeal. In these circumstances, the writ petition is disposed of with the liberty to the petitioner to file an appeal before the competent authority. If such an appeal is filed within a period of seven days from today, the competent authority shall proceed to decide the same, in accordance with law.

5. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

February 03, 2022

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No