

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25680-2022

Date of Decision: 11.11.2022

Manjeet Kaur

....Petitioner

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present:- Mr. Chandan Singh, Advocate for
Mr. Himmat Singh Sidhu, Advocate
for the petitioner

SUDHIR MITTAL, J. (Oral)

Petitioner was the Sarpanch of village Sandhwan, District Faridkot, Punjab. She has been suspended vide order dated 03.11.2022 and, thus, the present writ petition has been filed.

Learned counsel for the petitioner submits that the Director, Department of Rural Development and Panchayat had issued notice dated 10.10.2022 to the petitioner for personal hearing on 17.10.2022. The said notice was despatched through registered post on 21.10.2022 and was received by the petitioner only on 25.10.2022 i.e. after the date fixed and, thus, she was deprived of the opportunity of hearing. Principles of natural justice having been violated, this writ petition is being filed directly without availing the alternate remedy of appeal provided by Section 20(6) of the Punjab Panchayati Raj Act, 1994. He relied upon judgment passed in *M/s Magadh Sugar & Energy Ltd. vs. State of Bihar and others, 2021 SCC OnLine SC 801*.

Existence of an alternate remedy does not bar jurisdiction of this Court

whether to exercise its jurisdiction under Article 226 of the Constitution of India or not. In *M/s Magadh Sugar & Energy Ltd. (supra)* it has been held that an exception to the existence of an alternate remedy is a situation where principles of natural justice have been violated. The same, however, does not deprive the High Court of its discretion. In the considered opinion of this Court, the ground urged in the writ petition can be effectively urged in appeal also and, thus, this Court does not deem it appropriate to entertain the writ petition directly.

The writ petition is, accordingly, dismissed with liberty to the petitioner to file a statutory appeal. In case the appeal is filed within two weeks from today, objection of limitation shall not be taken.

11.11.2022
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(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No