

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

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**CWP-29681-2022
Date of decision: 22.12.2022**

LAKHAN AND ANOTHER

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Jagjeet Beniwal, Advocate
for the petitioners.

Mr. Vivek Saini, AAG, Haryana
for respondents.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of Certiorari for quashing of Schedule Caste Certificate dated 04.01.2021 (Annexure P-5) issued to respondent No.6.

Learned counsel appearing on behalf of the petitioners contends that on the basis of alleged adoption deed dated 02.06.2005, Budhram-the father of respondent No.6 who originally belongs to backward class was shown to be adopted by a schedule caste lady when the above said Budhram was 40 years of age and respondent No.06 was just 09 years old. That on the basis of the aforesaid adoption deed dated 02.06.2005 (Annexure P-3) the respondent No.4 issued the Caste Certificate to the father of respondent No.6 without adhering to the terms and conditions applicable in this regard. The petitioner No.2 has made a complaint dated 04.11.2022 to respondent No.3 to verify the Schedule Caste Certificate issued to respondent No.6 when he

was filing the nomination papers for the post of Sarpanch in the village Dhatir where the said post was reserved for Schedule Caste category and further requested to cancel his nomination papers for the post of Sarpanch.

Learned counsel appearing on behalf of the petitioners contends that he would be satisfied at this juncture in case the respondent No.3-the Deputy Commissioner, Palwal is directed to look into the representation dated 04.11.2022 (Annexure P-6) and to pass a reasoned and speaking order thereupon in a time bound manner.

Notice of motion.

Mr. Vivek Saini, Addl. A.G. Haryana appears and accepts notice on behalf of respondents No.1 to 5 and has no objection in the event such prayer of the petitioners as aforesaid is accepted.

Accordingly, the present petition is disposed of with consent and without commenting on the merits of the petition, with a direction to respondent No.3-the Deputy Commissioner, Palwal to examine the grievance espoused by the petitioners in the complaint dated 04.11.2022 (Annexure P-6) and to pass a reasoned and speaking order thereupon within a period of 03 months of the receipt of certified copy of this order after affording an opportunity of hearing to the respective parties.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 22, 2022
Vishal Sharma

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