

242

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

CWP-1838-2020

Date of decision: 25.05.2023

Malwinder Singh and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jai Parkash Sharma, Advocate for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana
for respondent Nos.1 to 4.

Mr. Nishant Arora, Advocate for
Mr. Gaurav Mohunta, Advocate for respondent No.5.

VIKAS BAHL, J. (ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to take appropriate action under Sections 51 and 53 of the Haryana Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act”) against respondent No.5.

2. Learned State Counsel as well as learned counsel for respondent No.5 have submitted that tenure of respondent No.5 is over and thus, the present writ petition has been rendered infructuous.

3. Learned counsel for the petitioners has submitted that as far as

action sought under Section 51 of the Act is concerned, the present writ petition has been rendered infructuous but there are certain facts which would show that action under Section 53 of the Act, is called for. He seeks permission of this Court to withdraw the present writ petition with liberty to the petitioners to institute fresh proceedings with respect to the allegations under Section 53 of the Act, against respondent No.5.

4. In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

5. It is made clear that in case, any such fresh proceedings are initiated then the same would be considered independently, in accordance with law.

25.05.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**