

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

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**CWP-1182-2023 (O&M)
Date of Decision: 20.01.2023**

KHURSHID AHMED

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE RITU TAGORE**

Present: Mr. Sarfaraj Anjum Mor, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

LISA GILL, J.

Grievance raised by the petitioner is that respondent no.9, who has been elected as the Sarpanch, Gram Panchayat village Siroli, Tehsil and Block Punhana, District Nuh, Mewat does not possess the minimum qualification required for contesting Panchayat elections. The marksheet of 8th class (Annexure P-1) attached by the said respondent, it is submitted, is not genuine. In this respect, representations are stated to have been filed by the petitioner on 02.12.2022 (Annexure P-4 to P-7), before Sub Divisional Officer, Punhana, Deputy Commissioner, Nuh, Chief Election Commissioner, Haryana-Chandigarh and Director, Development and Panchayat Department, Chandigarh respectively, but no action, it is stated, is being taken in terms of Section 177 of the Haryana Panchayati Raj Act, 1994 (for short 'the Act').

Ms. Shruti Jain Goyal, DAG, Haryana, to whom an advance

copy of paper book has been supplied, on instructions from Mr. Naseem Patwari o/o BDPO Punhana, District Nuh, submits that an inquiry has already been marked by the Deputy Commissioner, Nuh, to be conducted by the S.D.M., Punhana and final decision in terms of the provisions of Section 177 of the Act shall be taken by the competent authority expeditiously and positively within six weeks.

In view of the statement made by learned counsel for the State, on instructions from Mr. Naseem Patwari o/o BDPO Punhana, District Nuh, there is no justification of continuance of present proceedings.

Writ petition is accordingly disposed of with a direction that in terms of the statement made before us, the competent authority shall take necessary action in terms of Section 177 of the Act, after affording due opportunity of hearing to all concerned, in accordance with law, within the period as stated before us.

It is clarified that there is no expression of opinion on the merits of the controversy.

(LISA GILL)
JUDGE

(RITU TAGORE)
JUDGE

20.01.2023

Rimpal

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No