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

CWP-2362-2023

Date of decision : 06.02.2023

Pardeep Duhan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajeev Sharma (Raju), Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana
for respondent Nos.1 to 4.

VIKAS BAHL, J. (ORAL)

This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the show cause notice/order dated 31.01.2023 (Annexure P-2) under Section 53(2) of the Haryana Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act of 1994”) vide which respondent No.4 i.e. the Block Development & Panchayat Officer, Samalkha, District Panipat had directed the petitioner to deposit an amount of Rs.34,70,575/- along with interest @ 21% per annum in the account of Gram Panchayat within a period of 15 days.

Learned counsel for the petitioner has submitted that although, the show cause notice/order dated 31.01.2023 (Annexure P-2) has been

issued as if the same is a notice but in effect the order has been passed against the petitioner and he has been asked to deposit the amount of Rs.34,70,575/- and thus, the same is in fact an order passed under Section 53(2) of the Act of 1994.

Learned State Counsel has submitted that earlier also, notices were issued to the petitioner including notices dated 04.05.2022 and 12.05.2022 and thereafter, the petitioner has been evading the same. It is further submitted that since, as per the petitioner himself, Annexure P-2 dated 31.01.2023 is an order passed under Section 53(2) of the Act of 1994, thus, he has the remedy of filing an appeal under Section 53(3) of the Act of 1994 and also a further remedy under Section 53(4) of the Act of 1994.

Learned counsel for the petitioner has submitted that in view of the same, he be permitted to withdraw the present Civil Writ Petition with liberty to file an appeal under Section 53(3) of the Act of 1994.

In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

06.02.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**