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

CM-5485-CWP-2023 in/and
CWP-4237-2020 (O&M)
Date of decision : 17.04.2023

Amninder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ravi Gakhar, Advocate for the petitioners.

Mr. Ferry Sofat, Addl. A.G. Punjab, for respondent Nos.1 to 3.

Mr. C.L. Premy, Advocate and
Ms. Amarjit Kaur, Advocate for respondent No.5.

VIKAS BAHL, J. (ORAL)

CM-5485-CWP-2023

1. This is an application filed under Order 9 Rule 9 read with Section 151 CPC for restoration of the case and recalling of order dated 28.02.2023.

2. For the reasons stated in the application which is duly supported by an affidavit of Amninder Singh-petitioner No.1, the present application is allowed and order dated 28.02.2023 is recalled and the main case is restored to its original number.

Main case

1. This is a Civil Writ Petition filed under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction in the nature of certiorari quashing the impugned enquiry report dated 17.01.2020

(Annexure P-10) submitted by respondent No.4 and also show cause notice dated 29.01.2020 (Annexure P-11), vide which, the proceedings under Section 20 of the Punjab Panchayati Raj Act have been initiated. Other prayers have also been made in the present Civil Writ Petition.

2. Learned counsel for respondent No.5 has submitted that in the present case, in pursuance of show cause notice dated 29.01.2020, the petitioners were suspended and the petitioners had filed an appeal against the said order and had been granted interim stay and has thus, submitted that the present Civil Writ Petition has been rendered infructuous. It is further submitted that a perusal of order dated 17.02.2020 would show that the petitioners had not pressed the challenge to the initiation of the proceedings under Section 20 of the Act at the time of notice of motion.

3. Learned counsel for the petitioners has submitted that petitioner No.1 had filed writ petition bearing No.CWP-7401-2021, in which, challenge has been made to the subsequent initiation of proceedings and thus, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioners to take up all the points as are available to them in the said writ petition.

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

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

17.04.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No