

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4267-2023

Date of decision : 01.03.2023

Smt. Chander

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Aman Pal, Advocate
for the petitioner.

Ms.Upasana Dhawan, AAG, Haryana
for respondents no.1 to 5.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of writ of certiorari for quashing of order dated 09.02.2023 (Annexure P-3) passed by the Deputy Commissioner, Jhajjar, under Section 51(3)(b) of the Haryana Panchayati Raj Act, 1994 vide which the petitioner has been removed from the elected post of Sarpanch.

Learned counsel for the petitioner has submitted that the petitioner has filed an appeal before the Commissioner (Annexure P-4) under Section 51(5) of the Haryana Panchayati Raj Act, 1994 and said appeal has been fixed for 13.03.2023. It is further submitted that along with the said appeal, an application for stay has also been filed and has stated that although the request was made for giving an early date but the same has

counsel for the petitioner has submitted that however, in view of the fact that the appeal is pending, he reiterates his prayer in the present writ petition to the extent that respondent no.2- Commissioner, Rohtak, be directed to consider the appeal along with stay application of the petitioner for preliminary hearing on 13.03.2023 and pass appropriate orders.

Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.2 to consider the appeal along with stay application for preliminary hearing on 13.03.2023 or within one week from 13.03.2023 and to pass an appropriate order on the same, in accordance with law.

Needless to say that it would be open to the petitioner to press his stay application on 13.03.2023 and respondent no.2 would consider the said prayer, in accordance with law and after considering the merits of the case, pass an appropriate order regarding the same.

It is made clear that this Court has not opined on the merits of the case and it would be open to respondent no.2 to decide the stay application and appeal, in accordance with law.

(VIKAS BAHL)
JUDGE

March 01, 2023
Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No