

CWP-5622-2019

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2023:PHHC:063858

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CWP-5622-2019

Date of Decision: 03.05.2023

Varinder Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sumeet Singh Brar, Advocate
for the petitioner.

Mr. Karan Puggal, DAG, Punjab,
for respondents No.1 to 5.

Mr. Baldev S. Sidhu, Advocate
for respondent No.6.

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 for setting aside the notice dated 27.04.2017 (Annexure P-6) and the notice dated 16.02.2018 (Annexure P-8) issued by respondent No.5.

Learned State counsel has submitted that the present writ petition was filed only challenging the notices and subsequent to the said notices, an order under Section 216 of the Punjab Panchayati Raj Act, 1994 has been passed after enquiry by respondent No.5-Block Development and Panchayat Officer, vide order dated 16.04.2019 and the said order has been annexed as Annexure R-5/3T along with reply. It is submitted that the said order has not been challenged till date.

Learned counsel for the petitioner has submitted that since the

order under Section 216 of the Punjab Panchayati Raj Act, 1994 has been passed during the pendency of the writ petition, thus, he seeks permission of this Court to withdraw the present petition, with liberty to file an appeal, in accordance with law and has prayed that in case the said appeal is filed within a period of one month from today, then the Appellate Authority be directed not to reject the same solely on the ground of limitation.

Keeping in view the above facts and circumstances of the case, the present petition is dismissed as withdrawn, with liberty to the petitioner to file an appeal, against the order dated 16.04.2019 (Annexure R-5/3T), in accordance with law and in case, the said appeal is filed within a period of one month from today, then the Appellate Authority would not reject the appeal solely on the ground of limitation.

It is made clear that this Court has not considered the merits of the case and the Appellate Authority would consider the case independently, in accordance with law.

03.05.2023*D.Bansal***(VIKAS BAHL)
JUDGE**

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