

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(123)

CWP-4628-2023

Date of decision: - 09.03.2023

Daljit Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for setting aside the order/letter No.2917 dated 20.12.2022 (Annexure P-23) passed by respondent No.4 in which the petitioner has been directed to deposit a sum of Rs.7,14,036/- in the panchayat funds .

Learned counsel for the petitioner has submitted that the procedure under Section 216 of the Punjab Panchayati Raj Act, 1994 (for short 'the Act') has not been followed by respondent No.4 before issuing the order/letter dated 20.12.2022 (Annexure P-23).

Learned State counsel has submitted that after conducting an inquiry, an opportunity has been given to the petitioner to deposit the fee which had been found due from her, failing which, appropriate legal action in accordance with law under Section 216 of the Act would be

taken against the present petitioner. It is further submitted that the said order/letter dated 20.12.2022 (P-23) is self explanatory, inasmuch as, it has been specifically mentioned that in case of non-deposit, suitable legal action would be initiated. It is stated that it is open to the petitioner to file a reply to the order/notice dated 20.12.2022 (P-23) and the authorities after considering the said reply, would pass an appropriate order under Section 216 of the Act and the same would be appealable.

Learned counsel for the petitioner has submitted that the petitioner be granted 10 days time to file a reply to the notice dated 20.12.2022 (P-23) and thereafter, the authorities be directed to pass an order under Section 216 of the Act.

Keeping in view the above-said facts and circumstances, the present writ petition is disposed of in the following terms: -

- (i) It would be open to the petitioner to file a reply to the notice dated 20.12.2022 (P-23) within a period of 10 days from today.
- (ii) The DDPO concerned, after considering the reply and after following the procedure under law, pass an appropriate order under Section 216 of the Act.

It is made clear that this Court has not opined on the merits of the case and the authorities would proceed in the matter in accordance with law.

March 09, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No