

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

218

CWP-8004-2019 (O&M)

Date of Decision: 28.04.2023

Surjit Kaur

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Manish Joshi, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab.

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 quashing the notice dated 27.09.2013 (Annexure P-3) as well as the order dated 22.03.2018 (Annexure P-6) passed by respondent No.4.

Learned State counsel has submitted that the order dated 22.03.2018 (Annexure P-6) passed by respondent No.4-Block Development and Panchayat Officer, Kharar, while exercising the power under Section 216 of the Punjab Panchayati Raj Act, 1994 and appeal against the said order lies before the DDPO under Section 216 sub-section (3) within a period of one month and the petitioner has not filed the said appeal and has instead deposited the money.

Learned counsel for the petitioner has submitted that the said money was deposited under protest and he seeks permission of this Court to withdraw the present petition, with liberty to file an appeal, in accordance

with law and has submitted 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Keeping in view the above facts and circumstances of the case, the present petition is dismissed as withdrawn, with liberty to the petitioner to file an appeal, in accordance with law and in case, the said appeal is filed within a period of one month from today, then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.

Pending miscellaneous application, if any, shall stand disposed of.

28.04.2023*D.Bansal***(VIKAS BAHL)
JUDGE**

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