

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

201

LPA-479-2023 (O&M)

Date of decision:19.09.2023

Gurmeet

... Appellant

Vs.

State of Haryana & others

... Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL.
HON'BLE MRS. JUSTICE SUKHVINDER KAUR.**

Present: Mr. Narender Pal Bhardwaj, Advocate for the appellant.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

Mr. Parminder Singh, Advocate for respondents No.6 and 7.

...

DEEPAK SIBAL, J. (ORAL).

1. Through the instant intra Court appeal the appellant challenges the judgment dated 03.03.2023 passed by a learned Single Judge of this Court disposing of the appellant's petition.

2. The appellant knocked the doors of this Court through a petition challenging therein notice dated 20.11.2019 issued to him by respondent no.6 who is the Sarpanch of the respondent No.7-Gram Panchayat. The primary ground of challenge was that the notice impugned by him was actuated by malafides as it had been issued because of the various complaints made to the authorities by the appellant with regard to the irregularities in the working of the respondent Gram Panchayat. The appellant had further sought issuance of directions to the State to inquire into the aforesaid complaints made by him.

3. On being put to notice, it was the stand of the respondent Gram

Panchayat that the notice impugned by the appellant had been issued to him under Section 24 of the Haryana Panchayati Raj Act, 1994 (for short 'the Act') and instead of filing a reply to the same, the appellant had prematurely rushed to this Court to challenge it. Learned counsel for the respondent-Gram Panchayat had further submitted that in case the appellant would file his reply to the said notice, the Gram Panchayat would consider the same and pass an appropriate order thereupon as also that if the appellant was aggrieved by such order, he could challenge the same through an appeal provided under Section 28 of the Act. Acknowledging the afore submissions made on behalf of the Gram Panchayat, learned counsel appearing for the appellant had prayed before the learned Single Judge that after submitting his reply and till any order was passed thereupon by the respondent-Gram Panchayat, no coercive action be taken against the appellant.

4. After considering the afore submissions made before him, the learned Single Judge disposed of the appellant's petition by granting him liberty to file reply to the impugned show cause notice within two weeks with a further direction to the Gram Panchayat that if any reply would be filed by the appellant the Gram Panchayat would consider the same and pass a speaking order thereupon. The learned Single Judge further directed that till the time the Gram Panchayat took a final decision, no coercive steps would be taken against the appellant.

5. The impugned order has been passed by the learned Single Judge after recording the satisfaction expressed on behalf of the appellant. In fact, the prayer made by the appellant that after filing of his reply to the notice impugned by him and till the Gram Panchayat finally decides the

issue, no coercive steps be taken against him was also acceded to by the learned Single Judge. Thus, the appellant did not contest the matter before the learned Single Judge. Therefore, at the appellant's behest, the present appeal would not lie.

6. Even otherwise, the appellant had rushed to this Court to challenge therein a show cause notice and that too before even filing a reply thereto. Therefore, the learned Single Judge committed no error in requiring the appellant to respond to the aforesaid notice and in case he did so, by directing the respondent-Gram Panchayat to take a decision thereupon with the grant of interim protection to the appellant till such decision was taken by the Gram Panchayat.

7. Dismissed.

8. It is clarified that in case, in terms of the interim order passed in the present appeal on 28.04.2023, the appellant has filed a reply to the notice dated 20.11.2019, the same shall be considered by the respondent-Gram Panchayat and a decision thereupon shall be taken within a period of 10 days from the date of receipt of a copy of this order, in accordance with law.

(DEEPAK SIBAL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

19.09.2023
harjeet

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|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |