

CWP-7262-2023

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2023:PHHC:051492

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7262-2023

Date of decision : 13.04.2023

Gurjit Singh Aulakh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Gurminder Singh, Senior Advocate with
Mr.Jatinder Singh Gill, Advocate for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab for respondent no.1.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition 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 quashing the show cause notices dated 24.03.2023 (Annexure P-4) and dated 10.04.2023 (Annexure P-7) and all the consequential proceedings arising therefrom.

Learned senior counsel for the petitioner has submitted that the show cause notice dated 24.03.2023 has been issued for removal of the petitioner as President of Municipal Council, Barnala and the subsequent show cause notice dated 10.04.2023 has been issued for removal of the petitioner as Member, Municipal Council, Barnala, on the same ground. It is further submitted that there are arguable points in favour of the petitioner but since no final decision has been taken in the present case, thus, the petitioner would withdraw the present petition with liberty to take up all the pleas, which have been raised in the present petition, before respondent no.1. It is stated that the time period for filing the reply with respect to the notice dated 24.03.2023 expires tomorrow, thus, the petitioner has prayed

that he be granted 10 days time to file reply to both the notices Annexure P-4 and P-7 and has further prayed that a speaking order be passed by respondent no.1, after giving personal hearing to the petitioner.

Learned State counsel for respondent no.1 has submitted that he has no objection to the said course of action.

Keeping in view the above said facts and circumstances, the present petition is dismissed as withdrawn with liberty to the petitioner to take up all the points, which have been raised in the present petition, before respondent no.1 and also with the following directions:-

i) The petitioner is permitted to file reply to the show cause notice dated 24.03.2023 within a period of 10 days from today i.e., upto 24.04.2023. The time period of 21 days for filing reply to the show cause notice dated 10.04.2023 would expire on 01.05.2023 and thus, the petitioner is granted liberty to file reply with respect to the show cause notice dated 10.04.2023 on or before 01.05.2023.

ii) Respondent no.1 would grant personal hearing to the petitioner with respect to both the show cause notices and after hearing the petitioner and after taking into consideration the replies filed by the petitioner, pass a speaking order, in accordance with law.

It is made clear that this Court has not opined on the merits of the case and respondent no.1 would pass the order in the matter, in accordance with law.

(VIKAS BAHL)
JUDGE

April 13, 2023

Davinder Kumar