

CWP-7941-2023

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2023:PHHC:053364

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7941-2023

Date of decision : 18.04.2023

Krishan

... Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Vikram Singh, Advocate
for the petitioner.

Ms.Upasana Dhawan, AAG, Haryana
for respondents no.1 to 3.

VIKAS BAHL, J.(ORAL)

1. 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 order dated 03.04.2023 (Annexure P-1) and further a writ of mandamus for staying the operation and implementation of the impugned order dated 03.04.2023 (Annexure P-1) passed by respondent no.3 whereby the petitioner has been ordered to be suspended from the post of Sarpanch.

2. Learned State counsel has submitted that in the present case although the date, which has been given in the appeal, is 09.05.2023 but in view of the judgment passed by Hon'ble Division Bench of this Court in ***Kashmir Kaur vs. Sec. to Govt. of Haryana, Development and Panchayat Department-cum-Financial Commissioner and others***, reported as ***1996(3) R.C.R. (Civil) 686***, respondent no.2 would take up the appeal of the petitioner for preliminary hearing along with the stay application on or

before 21.04.2023 and would pass an appropriate order on the stay application in case, respondent no.2 does not decide the appeal itself.

3. Learned counsel for the petitioner has prayed that the petitioner be permitted to raise all the pleas which have been raised in the present petition before the appellate authority.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to respondent no.2 to take up the appeal filed by the petitioner against the order dated 03.04.2023 on or before 21.04.2023 for preliminary hearing and to pass an appropriate order on the stay application in case the appellate authority is not able to decide the main appeal on or before 21.04.2023.

5. It is made clear that this court has not given any opinion on the merits of the case and it is open to the appellate authority (respondent no.2) to consider the appeal as well as the stay application for preliminary hearing, in accordance with law.

April 18, 2023
Davinder Kumar

(VIKAS BAHL)
JUDGE

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