IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANIDGARH

253 **CWP-9719-2020 (O&M)**
Date of Decision: 24.02.2023

Gurmeet Kaur **..... Petitioner**

Versus

State of Punjab and others **..... Respondents**

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. N.P.S. Mann, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab,
for respondents No.1 to 5.

Ms. Jolly Lakhanpal, Advocate for respondent No.6.

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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 order dated 06.02.2020 (Annexure P-10) passed by respondent No.1/Financial Commissioner-cum-Secretary, vide which the appeal filed by respondent No.6 against the order dated 13.10.2017 passed by respondent No.2, has been allowed.

On 21.02.2023, this Court had passed the following order:-

> *"Learned counsel appearing for respondent No.6 has submitted that the petitioner has no locus standi to challenge the order dated 06.02.2020, inasmuch as he was not a party in the said proceedings and the petitioner cannot even represent the Gram Panchayat as she was not the Ex. Sarpanch and there was no resolution by the Gram Panchayat in favour of the present petitioner. It is submitted that even the notice dated 28.05.2020 (Annexure P-11) sought to be challenged by the petitioner, only asked for the petitioner to come present for spot inspection and thus, the same cannot be said to be prejudicial to the right of the petitioner.*
>
> *Learned counsel appearing for the petitioner prays for an adjournment to assist the Court to show as to how the petitioner has locus standi to file the present petition.*
>
> *Adjourned to 24.02.2023.*
>
> *To be taken up at 1.45 pm.*

DINESH BANSAL
2023.02.27 16:54
I attest to the accuracy of this order
Chandigarh

Reply be filed also filed by respondent No.6 on or before the next date of hearing with an advance copy to learned counsel for the petitioner".

Learned State counsel referred to his reply in which he has been specifically stated that no order has been passed against the petitioner till date and due procedure is being followed by the authorities and in case the authorities find that there is any financial irregulaity committed by petitioner, then respondent No.5 would proceed in accordance with law and would also issue notice to the petitioner under Section 216 of the Punjab Panchayati Raj Act, 1994 and give due opportunity to the petitioner to put forward his case and after considering the same, would pass orders in accordance with law. It is further submitted that in case any order is passed against the petitioner, the petitioner would also be at liberty to challenge the same before the Appellate Authority in accordance with law. It is submitted that in view of same challenge is to the notice dated 28.05.2020 in which only the petitioner was called to be present at the time of spot inspection, is premature.

Learned counsel for the petitioner has submitted that in view of the stand taken by learned State counsel, the petitioner seeks permission of this Court to withdraw the present petition with liberty to take up all the pleas which have been raised in the present petition and are available to her under law in the proceedings, if any, initiated by the respondent party.

In view of the statement made by learned counsel for the petitioner, the present writ petition is dismissed as withdrawn with the liberty aforesaid.

The pending misc. application, if any, shall stand disposed of.

(VIKAS BAHL)
JUDGE

24.02.2023
D.Bansal

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

DINESH BANSAL
2023.02.27 16:54
I attest to the accuracy of this order
Chandigarh