

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

(123)

CWP-10905-2023

Date of decision: - 18.05.2023

Poonam**....Petitioner****Versus****State of Haryana and others****.....Respondents****CORAM : HON'BLE MR. JUSTICE VIKAS BAHL**

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

Ms. Rajni Gupta, Additional Advocate General, Haryana
for respondents No.1 to 3.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of certiorari for setting aside the order dated 08.05.2023 (Annexure P-4) and further a writ of mandamus for staying the operation and implementation of the impugned order dated 08.05.2023 (Annexure P-4) passed by respondent No.3 whereby the petitioner has been ordered to be suspended from the post of Sarpanch till the decision of the application for stay filed alongwith the appeal dated 'NIL' (Annexure P-5).

2. Learned counsel for the petitioner has submitted that in the present case, vide order dated 08.05.2023 (Annexure P-4), the petitioner has been suspended from the post of Sarpanch and against the said order, an appeal has been filed on 16.05.2023 and the petitioner had requested for a short date, however, the date for preliminary hearing has been fixed for 20.06.2023, which is a distant date from today. It is further submitted that a prayer for stay has been made in the said appeal as there is an

urgency in the appeal. It is stated that a letter has been issued by the BDPO for appointment of an Adhoc Sarpanch, to be picked from the other members of the Panchayat and the meeting is fixed for 23.05.2023. It is argued that at any rate, the appeal filed by the petitioner be preponed for preliminary hearing and the application for stay be also considered before 23.05.2023.

3. Learned State counsel appearing on behalf of respondents No.1 to 3 has submitted that every endeavour would be made by the office of respondent No.2 to put up the appeal filed by the petitioner against the order dated 08.05.2023 on any date prior to 23.05.2023 and respondent No.2 would consider the said appeal alongwith the stay application for preliminary hearing before 23.05.2023 and would pass an appropriate orders on the same.

4. Keeping in view the above-said facts and circumstances, the present writ petition is disposed of with a direction to the office of respondent No.2 to put up the appeal filed by the petitioner against the order dated 08.05.2023 on any date prior to 23.05.2023 and respondent No.2 is directed to consider the said appeal for preliminary hearing alongwith the stay application on the said date and to pass an appropriate order on the same.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.2 would consider and decide the matter independently, in accordance with law.

May 18, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No