

CWP-13144-2023
Date of decision: 06.06.2023

SumanPetitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

The petitioner has approached this Court under Articles 226/227 of the Constitution of India for issuance of writ in the nature of *mandamus* directing respondents No.1 to 5 to not to take charge of the post of Sarpanch during the pendency of the statutory appeal before the learned Commissioner, Hisar, Division Hisar.

Learned counsel for the petitioner *inter alia* contends that the appeal against the impugned order dated 18.04.2023 (Annexure P-12) is pending before the learned Commissioner, Hisar, who has already admitted the appeal vide order dated 08.05.2023 and now the matter is fixed for 07.07.2023 for arguments.

Learned counsel for the petitioner submits that he confines his prayer to the extent of directing respondent No.2 to decide his application for interim stay on the date fixed i.e. 07.07.2023.

Learned counsel for the petitioner further submits that the petitioner, at this stage, would be satisfied if the present petition is disposed of

with a direction to respondent No.2-learned Commissioner, Hisar, to decide his application for interim stay on 07.07.2023.

Notice of motion.

Mr. Ashok Kumar Sehrawat, DAG, Haryana puts in appearance and accepts notice on behalf of the official respondents-State. Copy supplied.

In light of the above and keeping in view the limited prayer made by learned counsel for the petitioner, this Court finds it would be in the interest of justice to direct the learned Commissioner, Hisar to decide at least the interim application for stay filed by the petitioner on 07.07.2023 itself. In the meantime, till the decision on the interim application is taken by the learned Commissioner, Hisar, the charge of the office of Sarpanch shall not be taken from the petitioner.

The present petition is disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

06.06.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No