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

CM-3916-CWP-2023 in/and
CWP-15856-2020 (O&M)
Date of decision : 10.03.2023

Imran Khan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Varun Suman, Advocate for
Mr. Gopal Sharma, Advocate for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana, for respondent Nos.1 to 5.

VIKAS BAHL, J. (ORAL)

CM-3916-CWP-2023

This is an application filed under Order IX Rule 9 read with Section 151 of CPC for restoration of the case and recalling of order dated 10.01.2023.

For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and order dated 10.01.2023 is recalled and the main case is restored to its original number.

Main case

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 mandamus directing respondent Nos.1 to 3 to conduct an enquiry/investigation regarding the alleged embezzlement of Gram Panchayat Funds by respondent No.6-present Sarpanch of Village Kheri Kankar in pursuance of letter dated 14.08.2019

(Annexure P-3) passed by respondent No.3-Chief Vigilance Officer, Development and Panchayat Department Haryana on the complaint made by the petitioner.

Learned State Counsel, on instructions from Ms. Navneet Kaur, DDPO, Nuh, has submitted that respondent No.3 vide its letter dated 14.08.2019 (Annexure P-3) had marked inquiry to District Development and Panchayat Officer, Nuh who had subsequently marked the same to BDPO and BDPO vide its report dated 12.09.2019 had conducted an inquiry and found that the allegations levelled against respondent No.6 were not proved and had accordingly submitted a report dated 12.09.2019 to respondent No.3 on 18.10.2019 to proceed further. It is further submitted that since, no allegations against respondent No.6 have been proved, thus, the present Civil Writ Petition has been rendered infructuous.

Learned counsel for the petitioner has submitted that in view of the abovesaid statement made by learned State Counsel, he seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to avail alternate remedy, in accordance with law.

In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

10.03.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No