

2023:PHHC:082266

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

CWP-13550-2023

Date of decision : 20.06.2023

Khaleel

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

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

Mr. RKS Brar, Additional A.G., Haryana.

PANKAJ JAIN, J. (Oral)

Prayer is for issuance of a writ in the nature of mandamus for staying the operation and implementation of the impugned order dated 01.06.2023 (P-1) passed by respondent No.3, whereby the petitioner has been ordered to be removed from the post of Sarpanch till the decision of the application for stay filed alongwith the appeal dated 07.06.2023 (P-2).

2. Aggrieved by the orders, he is in appeal before respondent No.2 as per the remedy provided under the statute and in the said revision, application for interim stay has also been preferred. The application as well as appeal await adjudication, whereas on the other hand on the strength of the orders impugned in the revision, the petitioner is being deprived of functioning on the post of Sarpanch.

3. Counsel for the petitioner submits that in case the petitioner is removed, his statutory remedy shall stand frustrate.

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3. In view of the aforesaid facts and in view of innocuous prayer made in the present petition, this Court finds that there is no need to issue notice to the private respondents.

4. Mr. Brar, Additional Advocate General, Haryana on advance notice submits that the revision preferred by the petitioner shall be decided within a period of 04 weeks.

5. In view of the above, present writ petition is disposed off with the direction to respondent No.2 to decide the appeal/stay application preferred by the petitioner within a period of 04 weeks from the date of receipt of certified copy of the order. Till the stay application/appeal is decided, impugned order dated 01.06.2023 removing petitioner from the post of Sarpanch be kept in abeyance.

6. Ordered accordingly.

(PANKAJ JAIN)
JUDGE

20.06.2023

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No