

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

CWP-14823-2023

Date of Decision: 14.07.2023

Nisva @ Nisha Khatoon Sarpanch

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Sanjeev Sharma, Senior Advocate with
Mr. Mazlish Khan, Advocate and
Mr. Vikram Vir Sharda, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing of impugned order dated 03.07.2023, whereby the petitioner has been removed from the post of Sarpanch by respondent No.2 in utter violation of provisions of Article 243(O) of the Constitution of India.

Learned Senior counsel for the petitioner has fairly submitted that there lies a statutory appeal against the impugned order dated 03.07.2023. However, he submits that the impugned order has been passed in haste without jurisdiction and hence, the petitioner has approached this Court directly by way of this petition without availing alternate remedy. He has submitted that the petitioner would file the statutory appeal as provided under the Act. He has submitted that in the peculiar facts and circumstances of the case, the petitioner be given some protection in the meantime enabling her to file appeal as provided under the Act before the competent authority.

Notice of motion.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State and Mr. Vikram Singh, Advocate accepts notice on behalf of respondent No.7.

After hearing learned counsel for the parties and perusing the record, the present petition is disposed of with liberty to the petitioner to file the statutory appeal before the competent authority within a period of 7 days. If the petitioner files appeal within 7 days from today, impugned order dated 03.07.2023 would be kept in abeyance for 7 days from today. It is made clear that if the petitioner does not file the appeal within the aforesaid period of 7 days, this order/protection would be of no avail to her and if she files appeal before the Court concerned, the same would be dealt with the by the competent authority in accordance with law.

Nothing said herein shall be treated as an expression on the merits of the case and the Court concerned where the appeal would be filed is free to take decision without being influenced by this order.

14.07.2023			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No