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

CWP-17774-2018 (O&M)

Date of decision : 09.05.2023

Amarjit Singh Sarpanch

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.P. Soi, Advocate and
Mr. Sahil Soi, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab, for respondent Nos.1 to 3.

VIKAS BAHL, J. (ORAL)

1. 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 certiorari for quashing the impugned orders passed by respondent Nos.1 and 2 dated 05.07.2018 (Annexure P-11) passed by respondent No.1 vide which order dated 21.05.2018 (Annexure P-10) passed by respondent No.2 suspending the petitioner has been upheld.

2. Learned State Counsel has submitted that since the term of the petitioner has lapsed thus, the present Civil Writ Petition with respect to the suspension order has been rendered infructuous.

3. Learned counsel for the petitioner has submitted that the recovery has also been sought from the present petitioner and thus, on the said aspect, the present Civil Writ Petition still survives.

4. Learned State Counsel, in rebuttal to the abovesaid contention

raised by learned counsel for the petitioner has submitted that a perusal of the order dated 21.05.2018 (Annexure P-10) would show that it has been stated that the monetary loss caused by the present petitioner would be fulfilled by initiating the proceedings under Section 216 of the Punjab Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act”) and has submitted that till date, neither any show cause notice has been issued nor order has been passed under Section 216 of the Act and thus, prayer made by the present petitioner for setting aside the recovery sought from the present petitioner is premature. It is further contended that the authorities would first issue a notice under Section 216 of the Act and after considering the reply filed by the present petitioner would then pass an order under Section 216 of the Act which is an appealable order.

5. Learned counsel for the petitioner has submitted that in view of the abovesaid statement made by learned State Counsel, the case of the petitioner is satisfied and thus, the present Civil Writ Petition be disposed of as having been rendered infructuous. It is however prayed that the State be bound by the abovesaid statement made before this Court.

6. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of as having been rendered infructuous.

7. The State would be bound by the abovesaid statement.

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

09.05.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No