

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-19734-2018(O&M)

Date of decision : 17.03.2023

Halima

... Petitioner

Versus

State of Haryana and others.

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

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

Mr.Rajneesh Chadwal, AAG, Haryana
for respondents no.1 to 5.

Mr. Rahul Vohra, Advocate for
Mr. Aditya Jain, Advocate
for the applicant.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition filed under Articles 226/227 of the Constitution of India for issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing the enquiry report dated 12.07.2018 issued by respondent no.5 and notice of recovery dated 23.07.2018.

Learned State counsel has submitted that against the recovery notice dated 23.07.2018, which has been passed under Section 53(2) of the Haryana Panchayati Raj Act, 1994 (in short “the Act”), there is a provision of appeal under Section 53(3) of the Act and the petitioner has not filed the said appeal and has filed the present writ petition in this Court.

Learned counsel for the petitioner seeks to withdraw the present petition with liberty to file an appeal. It is submitted that the petitioner would file an appeal within a period of one month from today and has prayed that stay order granted on 09.08.2018 be continued for the said period of one month.

Keeping in view the above said facts and circumstances, the petitioner is permitted to withdraw the present petition with liberty to file a statutory appeal, in accordance with law.

The interim order dated 09.08.2018 passed by the coordinate Bench of this Court to the effect that recovery has been stayed, would remain stayed for the period of one month from today. The continuance or non-continuance of the said stay beyond the period of one month would be considered by the appellate authority before whom the statutory appeal is filed.

Learned counsel for the petitioner has further submitted that since the petitioner was pursuing his remedy before this court and in case he files an appeal within a period of one month from today, the same be decided on merits and the same be not dismissed on the ground of limitation. In case the petitioner files an appeal within a period of one month from today, then the appellate authority would decide the case on merits and would not dismiss the same on the ground of limitation.

Pending miscellaneous application stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

March 17, 2023
Davinder Kumar