

272

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

CWP-26728-2015

Date of decision : 11.05.2023

Pawan Kumar and others

...Petitioners

Versus

Financial Commissioner and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. S.S. Dinarpur, Advocate and
Mr. Aman Godara, Advocate for the petitioners.

Mr. Rajneesh Chadwal, AAG, Haryana
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 order dated 15.09.2015 (Annexure P-5) whereby respondent No.1 has rejected the claim of the petitioners.

2. On 12.04.2023, this Court had passed the following order:-

“Learned State counsel has filed the additional written statement dated 06.04.2023 on behalf of respondents No.1 to 3 today in the Court and the same is taken on record. A copy thereof has been supplied to learned counsel for the petitioners.

Learned State counsel has pointed out that as per para No.4 of the said additional written statement, aspect with respect of the bifurcation of the gram panchayat Nagli-264 and establishment of a new gram panchayat of village

Molkhara was considered, but the same did not find favour and was rejected on 30.12.2020 by the Government of Haryana. It is further submitted that a reading of Section 7 of the Haryana Panchayat Raj Act, would show that word used in the same is “may” and thus, the same is an enabling provision and it is not mandatory for the Government to bifurcate the panchayat. It is further pointed out that at any rate, a decision of the government has to be challenged by the petitioner.

Learned counsel for the petitioner prays for an adjournment to get instructions in the matter.

Adjourned to 27.04.2023.

To be taken up at 1.45 PM.”

3. Learned counsel for the petitioners seeks permission of this Court to withdraw the present Civil Writ Petition with liberty to the petitioners to file a fresh petition/institute fresh proceedings challenging the order dated 30.12.2020 passed by the Government of Haryana.

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 In view of the above, the present Civil Writ Petition is dismissed as withdrawn with liberty aforesaid.

5. Learned counsel for the petitioners has submitted that a copy of abovesaid order dated 30.12.2020 has not been supplied to the petitioners.

6. Learned State Counsel has very fairly submitted that he would get the copy of the abovesaid order and would then supply the same to learned counsel for the petitioners as expeditiously as possible.

11.05.2023

Pawan

**(VIKAS BAHL)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**