

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

CWP-22149-2018

Date of decision : 16.08.2023

Radhe Ram Jakhar

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Ms. Raman Rekhi, Advocate for
Mr. C.L. Premy, Advocate
for the petitioner.

Mr. Arun William, AAG, Punjab.

Mr. S.P.S. Tinna, Advocate
for respondent No.7.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court impugning the order dated 17.07.2018 passed by the Block Development & Panchayat Officer, Khuian Sarwar, respondent No.4 vide which he has directed respondents No.5 and 6 for attachment of property of petitioner merely on the basis of suspension order dated 26.03.2018 passed by respondent No.2 without any assessment of the development works either by respondent No.3 before sending enquiry report dated 05.12.2017 or by respondent No.2 before passing the above order inspite of repeated request for assessment from any Technical Expert of the department before taking any action on the enquiry report or even by the Appellate Authority, respondent No.1 during the proceedings of Statutory Appeal before respondent No.1 against the suspension order under political pressure in violation of

principle of natural justice.

Learned counsel for the petitioner, at the outset, submits that petitioner was the sitting Sarpanch who completed his tenure from the year 2013-2018 and thereafter, notice under Section 216 of the Punjab Panchayati Raj Act, 1994 was issued for the recovery. She submits that the impugned notice dated 17.07.2018 was challenged before this Court by way of present petition.

I have heard counsel for the parties and perused the record. As is evident that the impugned notice of recovery under Section 216 of the Act is assailable before the Revenue Authorities as per the statutory provisions of the Act and the petitioner was not aware of the same.

Learned counsel for the petitioner prays for withdrawal of this petition with liberty to the petitioner to avail his remedy against the impugned order before the appropriate authority as available under the law. Allowed to do so. Petition stands dismissed as withdrawn. If the petitioner files such petition etc. for the redressal of his grievance before the authority concerned, then the authority concerned would deal with the same in accordance with law and decide the same expeditiously.

(RAJESH BHARDWAJ)
JUDGE

16.08.2023
m. sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No