

216

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

CWP-25114-2017

Date of decision : 09.05.2023

Paramjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. H.S. Batth, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab, for respondent Nos.1 to 7.

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 especially a writ in the nature of certiorari for quashing the letter/order dated 20.09.2017 issued by respondent No.4 whereby the petitioner has been ordered to deposit a cheque amounting to Rs.52,83,000/- in favour of respondent No.3 regarding the amount of disbursement of pensions to the beneficiaries in the village.

2. On 02.05.2023, this Court had passed the following order:-

“A perusal of the impugned notice (Annexure P-2) would show that, it has been stated in the same that in case, the petitioner does not deposit the amount in question, then it would be written to the Additional Deputy Commissioner, Tarn Taran to take legal action against the petitioner. A reading of the same would show that prima facie, no action has been initiated till date and thus, the present petition has been filed pre-maturely. The petitioner is stated to be a Sarpanch and his tenure has lapsed.

In view of the above, learned State counsel is directed to

get instructions as to whether any action is proposed to be initiated against the petitioner under Section 216 of the Punjab Panchayati Raj Act, 1994 or under any other provision of law.

Adjourned to 09.05.2023.

To be taken up at 1.45 p.m.”

3. Learned State Counsel, on instructions from Ms. Sarita, Superintendent Grade-II, Tarn Taran, has submitted that the proceedings under Section 216 of the Punjab Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act”) are yet to be initiated against the petitioner and thus, the present Civil Writ Petition is premature. It is further submitted that after a show cause notice is issued under Section 216 of the Act, reply, if any, filed by the petitioner would be considered before an order under Section 216(2) of the Act is passed and the said order is appealable.

4. Learned counsel for the petitioner has submitted that in view of the abovesaid statement made by learned State Counsel, the present Civil Writ petition has been rendered infructuous and the same may kindly be disposed of as such. It is however prayed that the State be bound by the abovesaid statement.

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

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

09.05.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No