

CWP-20277-2020,
CWP-20279-2020 and
CWP-20292-2020

2023:PHHC:043117

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-20277-2020
Date of decision : 23.03.2023

Arsal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

2. CWP-20279-2020
Date of decision : 23.03.2023

Sarabjit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

3. CWP-20292-2020
Date of decision : 23.03.2023

Simbo Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. H.S. Bath, Advocate for the petitioner.
(In all cases)

Mr. Yadwinder S. Bhangu, AAG, Punjab
for respondent Nos.1 to 4.
(In all cases)

VIKAS BAHL, J. (ORAL)

By this common order, three writ petitions bearing No.CWP Nos.20277, 20279 and 20292 of 2020 shall stand disposed of.

CWP-20277-2020 has been filed by Aarsal Singh, CWP-20279-2020 has been filed by Sarabjit Kaur and CWP-20292-2020 has been filed by Simbo Kaur, under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the orders/letters, vide which, the Block Development and Panchayat Officer has sought to recover the money from the petitioner(s) after giving assessment of the said amount being due from the petitioner(s).

Learned State Counsel has submitted that impugned orders/letters are the orders which had been passed under Section 216(2) of the Punjab Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act of 1994”) and appeal against the same lies under Section 216(3) of the Act of 1994 before the District Development and Panchayat Officer and same is to be filed within a period of one month from the date of the said orders.

Learned counsel for the petitioner(s) has submitted that in view of the same, the petitioner(s) be permitted to withdraw the present Civil Writ Petitions with liberty to file an appeal under Section 216(3) of the Act of 1994. It is further submitted that since, the petitioner(s) were pursuing the present case(s) before this Court thus, in case, the petitioner(s) file the said

appeal within a period of one month from today, then, the same not be dismissed on the ground of limitation.

Learned counsel for the petitioner(s) has also submitted that as far as petitioner-Simbo Kaur is concerned, she has died and legal representatives of Simbo Kaur be permitted to file an appeal, if so advised.

Learned counsel for the petitioner(s) has further prayed that petitioner(s) be permitted to take up all the points which have been raised in the present Civil Writ Petitions before the Appellate Authority.

Keeping in view the abovesaid facts and circumstances, the Civil Writ Petitions are dismissed as withdrawn with liberty to the petitioner (s) to file appeal before the competent authority and in case, the said appeal is filed within a period of one month from today, then the competent authority would consider the same on its merits and not dismiss the same on the ground of limitation. The petitioner(s) are also permitted to take up all the points which have been raised before this Court before the Appellate Authority. As far as petitioner-Simbo Kaur is concerned, she is stated to have died and legal representatives of Simbo Kaur are permitted to file an appeal before the competent authority, if so advised

23.03.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No