

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-29215-2018

Date of decision : 25.04.2023

Roshni Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Fateh Saini, Advocate
for the petitioner.

Mr.Rajneesh Chadwal, AAG, Haryana.

Mr.Sikandh Mehta, Advocate for
Mr.Deepak Sharma, Advocate
for respondent no.5.**VIKAS BAHL, J.(ORAL)**

1. Challenge in the present writ petition filed under Articles 226/227 of the Constitution of India is to the letter dated 07.02.2018 (Annexure P-3) passed by respondent no.4 and also to the subsequent letters.

2. Learned State counsel has pointed out that in the present case only a show cause notice has been issued and final order under Section 53(2) of Haryana Panchayati Raj Act, 1994 (in short “the Act”) would be passed after taking into consideration the reply filed by the petitioner to the show cause notice and after giving an opportunity of hearing to the petitioner, in accordance with law. It is submitted that in case final order is against the petitioner, she has the remedy of filing an appeal also.

petitioner be granted personal hearing before passing the final order under Section 53(2) of the Act and the reply filed by the petitioner be also taken into consideration.

4. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the competent authority to proceed in the matter and to take a final decision under Section 53(2) of the Act and before passing the said order, an opportunity of personal hearing to the petitioner be granted and the reply filed by the petitioner to the show cause notice be also taken into consideration.

5. It is made clear that this Court has not opined on the merits of the case and the BDPO would consider the case on its merits independently, in accordance with law.

(VIKAS BAHL)
JUDGE

April 25, 2023
Davinder Kumar

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