

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-412-2018

Date of decision : 15.03.2023

Ashok Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. R.S.Athwal, Advocate
for the petitioner.

Mr.Yashwinder S. Bhangu, AAG, Punjab
for the respondents.

VIKAS BAHL, J.(ORAL)

This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ, order or direction especially in the nature of certiorari for quashing the notice no.3135 dated 28.08.2017 issued by respondent no.3 with respect to the complaint against the petitioner.

Learned State counsel has submitted that in the present case, only a notice has been issued as yet and no order under Section 216 of the Punjab Panchayati Raj Act, 1994, has been passed and the said order would be passed after taking into consideration the reply filed by the petitioner and after adopting the procedure, in accordance with law. It is further submitted that in case order passed under Section 216 of the Act is against the petitioner, then the appeal lies against the same.

Learned counsel for the petitioner has submitted that the petitioner has arguable points in the present case including the point that the case of the petitioner is covered by proviso of Section 216 of the Act. Learned counsel for the petitioner has stated that in view of the stand taken by learned State counsel, the petitioner be permitted to withdraw the present petition but the authorities be directed to consider all the pleas which have been raised in the present petition and are available to him before passing the order under Section 216 of the Act.

Keeping in view the above, the present petition is dismissed as withdrawn with liberty to the petitioner to raise all the pleas which have been raised in the present petition and are available to him, before the authorities. The authorities would consider the pleas raised by the petitioner, in accordance with law and then pass an order under Section 216 of the Act.

(VIKAS BAHL)
JUDGE

March 15, 2023
Davinder Kumar

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