

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-4660-2018
Date of decision : 17.04.2023

Shamsher Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHLPresent: Mr.Amrinderjit Singh Sandhu, Advocate
for the petitioner.Mr.Rohit Ahuja, DAG, Punjab
for the respondents.**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 in the nature of certiorari for quashing the report dated 08.09.2017 (Annexure P-1) passed by respondent no.3 and for quashing the order dated 22.11.2017 (Annexure P-2) passed by respondent no.2 and also for quashing the order dated/notice dated 29.01.2018 (Annexure P-3) passed by respondent no.4.

2. Learned State counsel has submitted that in the present case, only notice dated 29.01.2018 (Annexure P-3) has been issued by the Block Development and Panchayat Officer to the petitioner and it has specifically been stated in the said notice that in case the amount is not deposited, then the same would be recoverable, according to the provision of Section 216 of the Punjab Panchayati Raj Act (in short “the Act”) and the petitioner instead of filing reply to the notice and waiting for the proceedings under Section

mature.

3. Learned counsel for the petitioner has submitted that the petitioner be permitted to withdraw the present petition with liberty to file a reply to the notice dated 29.01.2018 and to take up all the pleas, which have been raised in the present petition, in the said reply and further prayed that said reply be considered while passing the order under Section 216 of the Act.

4. Keeping in view the above said facts and circumstances, the present petition is dismissed as withdrawn with the following directions:-

- i) The petitioner is at liberty to file a reply to the notice dated 29.01.2018 within a period of 15 days from today.
- ii) In case the said reply is filed within 15 days from today, the authority would consider the same and would proceed, in accordance with law and pass the order under Section 216 of the Act.

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

(VIKAS BAHL)
JUDGE

April 17, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No