

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.18424 of 2023
Date of decision : 23.08.2023

Manoj Kumar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present:- Mr. P. K. Ganga, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Present writ petition has been filed for issuance of a writ in the nature of mandamus directing respondents No.1 to 5 not to take the charge of the post of Sarpanch during the pendency of the statutory appeal before the learned Commissioner, Hisar Division and till then the operation and effect of the impugned order dated 26.07.2023 passed by learned Deputy Commissioner may kindly be ordered to be stayed as the first appeal is pending before respondent No.2 and till the decision of stay application pending before respondent No.2, charge from the petitioner of the post of Sarpanch may not be taken.

It has been contended by learned counsel for the petitioner that the petitioner is the elected Sarpanch, who has been illegally removed from the post of Sarpanch. He further submits that for the redressal of his grievance, he has already filed an appeal along with the stay application,

which is pending adjudication before the Commissioner, Hisar, however, the same is not being heard till date.

It has been further submitted by learned counsel for the petitioner that without hearing the stay application, charge is being taken from the petitioner thereby causing him irreparable loss.

Notice of motion.

On asking of the Court, Ms. Upasna Dhawan, AAG, Haryana appears and accepts notice on behalf of the respondents-State. She, on instructions from Sh. Dharampal, Reader, Divisional Commissioner, has submitted that the appeal is fixed for hearing on 04.09.2023.

In view of the submissions made by learned counsel for the parties, the present petition is disposed of with direction to respondent No.2-the Commissioner, Hisar Division, Hisar to take up the appeal on the date fixed and hear the arguments of parties on stay application filed by the petitioner and decide the same expeditiously in accordance with law. In the meantime, status quo regarding the charge stated to be with the petitioner shall be maintained till 04.09.2023.

(RAJESH BHARDWAJ)
JUDGE

23.08.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No