

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

CWP-26080-2019

Date of decision : 30.05.2023

Sarabjit Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

***CORAM: HON'BLE MR.JUSTICE VIKAS BAHL***

Present: Mr.Mohd. Yousaf, Advocate  
for the petitioner.

Mr.Rohit Ahuja, DAG, Punjab.

**VIKAS BAHL, J.(ORAL)**

1. This is a civil writ petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the order dated 02.09.2019 (Annexure P-7) passed by respondent no.2.

2. Learned State counsel has submitted that as per the order dated 02.09.2019 (Annexure P-7), the Director, Rural Development and Panchayat has directed the BDPO to take action under Section 216 of the Punjab Panchayati Raj Act 1994 (in short "the Act") and no order under Section 216 of the Act has been passed as yet and thus, the present petition is premature. It is submitted that notice under Section 216 of the Act is yet to be issued and when such show cause notice under Section 216 of the Act is issued, it would be open to the petitioner to file reply and the authorities would proceed in the matter and pass an order under Section 216 of the Act

after considering the reply, if any, filed within a period which is stipulated in the show cause notice.

3. Learned counsel for the petitioner has submitted that in view of the stand taken by the learned State counsel, the present petition has been rendered infructuous but prays that the State be bound by the statement made before this court.

4. In view of the above, the present petition is disposed of as having been rendered infructuous. However, the State would be bound by the statement made before this Court.

(VIKAS BAHL)  
JUDGE

May 30, 2023  
*Davinder Kumar*

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |