

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-22973-2022(O&M)

Date of decision : 10.05.2023

Rekha Devi

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Vikram Singh, Advocate
for the petitioner.

Mr.Rajneesh Chadwal, AAG, Haryana.

Mr.Sumit Sangwan, Advocate
for the applicant.

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 setting aside the letter dated 21.09.2022 (Annexure P-4) passed by respondent no.2 vide which the Court had directed to initiate proceedings under Section 53(2) of the Haryana Panchayati Raj Act 1994 (in short “the Act”) and to initiate criminal proceedings against the petitioner.

2. Learned State counsel has submitted that only proceedings under Section 53(2) of the Act has been initiated and no order has been passed under Section 53(2) of the Act and it would be open to the petitioner to file reply within a period of 15 days from today and further order under Section 53(2) of the Act would be passed after considering the reply filed

only an internal letter in which one authority has informed the other authority for taking criminal action and till date, no FIR has been registered and thus, the present petition is premature.

3. Learned counsel for the petitioner has submitted that in view of the above, the petitioner be permitted to withdraw the present writ petition with liberty to file a reply to the show cause notice under Section 53(2) of the Act within a period of 15 days from today and has submitted that any order under Section 53(2) of the Act be passed after considering the said reply. It is prayed that liberty be granted to the petitioner to file an appropriate petition challenging the registration of the FIR, if any, such FIR is registered.

4. In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioner to file reply to the show cause notice issued under Section 53(2) of the Act within a period of 15 days from today and in case any such reply is filed within the aforesaid period, then the authorities before passing the order under Section 53(2) of the Act, would consider the said reply and proceed in accordance with law. In case of registration of FIR, it would be open to the petitioner to seek appropriate remedy, in accordance with law.

5. Pending miscellaneous application, if any, shall stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

May 10, 2023

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No