

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-24711-2022(O&M)

Date of decision : 10.05.2023

Manoj Kumar

... 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 07.10.2022 (Annexure P-4) passed by respondent no.2 directing respondent no.3 to initiate the proceedings under Section 53 of the Haryana Panchayati Raj Act, 1994 (in short “the Act”) and to initiate the criminal proceedings against the petitioner.

2. Learned State counsel has submitted that only proceedings under Section 53(2) of the Act have 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 a 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 / communication in which one authority has directed another 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 notice under Section 53(2) of the Act within a period of 15 days from today and has prayed that any order under Section 53(2) of the Act which is to be passed, be passed after considering the said reply. It is further prayed that liberty be also granted to the petitioner to file an appropriate petition laying challenge to 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 In view of the above, the present petition is dismissed as withdrawn with liberty to the petitioner to file reply to the show cause notice issued under Section 53(2) of the Act within a period of 15 days from today and in case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 an FIR, it would be open to the petitioner to avail 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