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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22110 of 2023
Date of Decision : 03.10.2023

Jagvir Singh Sarpanch

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nakul Sharma, 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 respondent No.1 to decide the application as well as the appeal of the petitioner in a time bound manner vide bearing No.187 of 2013 filed under Section 20(6) of the Punjab Panchayati Raj Act titled “Jagvir Singh Sarpanch vs. Director Rural Development and Panchayat, Punjab” as the said appeal was filed by the petitioner since 25.07.2023 (Annexure P-2) and during the pendency of the said appeal vide notification dated 10.08.2023 (Annexure P-3) issued by the Government of Punjab all the Panchayats in the State of Punjab were dissolved. However, later on vide notification dated 04.09.2023 (Annexure P-5) the said earlier notification was withdrawn and the Panchayats were restored. Accordingly, the petitioner immediately moved an application dated 17.08.2023 for restoring the appeal to its original number and to adjudicate/decide the appeal on merits. However, even after a gap of

more than 20 days neither the appeal nor the application has been listed for hearing, whereas till today petitioner is suspended from the post of Sarpanch and all the development works in the village has been stalled. Further prayer has been made for staying the suspension order dated 14.07.2023 (Annexure P-1) whereby the petitioner has been suspended from the post of Sarpanch and the petitioner be reinstated on the post of Sarpanch as neither respondent No.1 is deciding the application for restoring the appeal nor deciding the appeal and stay application on merits, whereas due to the suspension order petitioner is not able to do any Development works in the village which is causing not only irreparable loss to the petitioner and further it is violating the fundamental rights of the petitioner, as petitioner remains unheard.

Learned counsel for the petitioner has submitted before this Court that the petitioner was illegally suspended and the appeal filed by the petitioner was disposed of as infructuous in view of the Notification dated 10.08.2023 (Annexure P-3). He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.

Notice of motion.

On asking of the Court, Ms. Akshita Chauhan, DAG, Punjab accepts notice on behalf of the respondents-State.

After hearing counsel for the parties, it is apparent that the appeal filed by the petitioner was disposed of solely on the basis of Notification No.S.O.60/P.A.9/1994/S.209/2023 dated 10.08.2023.

However, as submitted before this Court, the same has been subsequently

withdrawn. It is also apparent that the appeal filed by the petitioner has not been heard on merits.

Resultantly, the impugned order dated 17.08.2023 is set aside. Case is remanded back to the Financial Commissioner, Department of Rural Development and Panchayats, SAS Nagar, Mohali, for deciding the stay application moved along with the appeal expeditiously in accordance with law preferably within a period of three weeks from the date of receipt of certified copy of the order.

(RAJESH BHARDWAJ)
JUDGE

03.10.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No