

233

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-31656-2019

Date of decision: 17.05.2023

Balkar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. N.P.S. Mann, Advocate for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab
for respondent Nos.1 to 6.

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 quashing the order dated 18.09.2019 (Annexure P-12) passed by respondent No.5 vide which the petitioner was directed to deposit an amount of Rs.4,38,095/- into the account of Gram Panchayat.

2. Learned State Counsel, on instructions from Balkar Singh, Panchayat Officer, Block Attri, District Amritsar, has submitted that letter dated 18.09.2019 (Annexure P-12) was only a show cause notice and it was specifically stated in the same that the petitioner has a right to file reply. It is further submitted that the present writ petition is thus, premature and in case, the petitioner files a reply to the notice dated 18.09.2019 within a period

of 15 days from today then same would be considered before any order is passed under Section 216 of the Punjab Panchayati Raj Act, 1994 (hereinafter to be referred as “the Act”).

3. Learned counsel for the petitioner has submitted that the abovesaid statement made by learned State Counsel satisfies the claim of the petitioner but has further submitted that all the pleas raised by the petitioner in his reply be considered before any order is passed under Section 216 of the Act.

4. Keeping in view the abovesaid facts and circumstances, the present Civil Writ Petition is disposed of with the following observations:-

- a) It would be open to the petitioner to file reply to the show cause notice dated 18.09.2019 within a period of 15 days from today.
- b) In case, any reply to the show cause notice dated 18.09.2019 is filed within a period of 15 days from today, then the respondent authorities would consider the same before passing any order under Section 216 of the Act.

5. It is made clear that this Court has not opined on the merits of the case and respondent No.5 will pass an order under Section 216 of the Act independently and in accordance with law.

17.05.2023*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**