

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

(202)

CWP-32812-2019

Date of decision: - 25.04.2023

Jagraj Singh

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. G.S. Saini, Advocate
for the petitioner.

Mr. Rohit Ahuja, DAG, Punjab
for respondents No.1 to 4.

Mr. Simrandeep S. Sandhu, Advocate
for respondent No.5.

VIKAS BAHL, J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India with a prayer for issuance of a writ in the nature of certiorari for setting aside the impugned order dated 07.10.2019 (Annexure P-8) passed by respondent No.2 whereby the petitioner has been suspended from the post of Sarpanch.

2. Learned State counsel has pointed out that in the present case, against the impugned order, an appeal lies under Section 20(6) of the Punjab Panchayati Raj Act, 1994. It is further submitted that the availability of an alternative remedy has not been stated by the petitioner in para No.20 of the present petition.

3. Learned counsel for the petitioner in view of the above seeks to withdraw the present writ petition with liberty to file an appeal in accordance with law. It is prayed that since the petitioner was pursuing the present remedy, therefore, in case the petitioner files an appeal within a period of 30 days from today, then, the appellate authority be directed to decide the said appeal on merits and not dismiss the same solely on the ground of limitation.

4. Learned counsel for the respondents have submitted that they have no objection to the said course of action.

5. In view of the above, the present writ petition is dismissed as withdrawn, with the aforesaid liberty.

6. In case the petitioner files an appeal within a period of 30 days from today, then, the appellate Court should decide the said appeal on merits and not dismiss the same solely on the ground of limitation.

April 25, 2023
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No