

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

CWP-26617-2023

Date of decision : 28.11.2023

Amandeep Kaur and others

.....Petitioners

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajeshwar Singh, Advocate
for the petitioners.

RAJESH BHARDWAJ, J. (Oral)

Petitioners have approached this Court praying for setting aside the order dated 04/06.07.2023 (Annexure P-9) passed by respondent No.2 whereby the Gram Panchayat of Village Dibwala, Block Makhu, Tehsil Zira, District Ferozepur has been suspended. Further prayer has been made for directing the respondents to reinstate the Panchayat forthwith as there is nothing against the Panchayat. Further prayer has been made for directing respondent No.1 to decide the application pending before him for recalling the order dated 16.08.2023 (Annexure P-12) passed by respondent No.1.

Learned counsel for the petitioners has submitted before this Court that the petitioners were illegally suspended and the appeal filed by the petitioners was disposed of as infructuous in view of the Notification dated 10.08.2023. He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioners have suffered an irreparable loss.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 petitioners was disposed of solely on the basis of Notification No.S.O.61/PA9/1994/S.29-A/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 However, as submitted before this Court, the same has been subsequently withdrawn.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 petitioners has not been heard on merits.

Resultantly, the impugned order dated 04/06.07.2023 is *set aside*. Case before respondent No.1 is restored to its original number and is remanded back to respondent No.1-Principal Secretary, Department of Village Development and Panchayats, Punjab, Chandigarh, for deciding the appeal on merits expeditiously in accordance with law preferably within two weeks from the date of receipt of certified copy of this order.

Thus, in view of the above, till the decision of appeal by respondent No.1-Principal Secretary, operation of the impugned order dated 04/06.07.2023 (Annexure P-9) would remain stayed. Respondent No.1 is directed to hear the parties and decide the appeal in accordance with law.

28.11.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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