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

CWP-36455-2019 (O&M)

Date of decision : 03.03.2023

Gurmeet

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Narender Pal Bhardwaj, Advocate for the petitioner.

Mr. Rajneesh Chadwal, AAG, Haryana
respondent Nos.1 to 5 and 8.

Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate for respondent No.6.

VIKAS BAHL, J. (ORAL)

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 notice dated 20.11.2019 (Annexure P-12) issued by the Gram Panchayat.

Learned counsel appearing on behalf of respondent No.6-Sarpanch of the Gram Panchayat has submitted that the present notice has been issued under Section 24(2) of the Haryana Panchayati Raj Act and the petitioner instead of filing reply to the said notice has filed the present Civil Writ Petition which is premature. It is further submitted that in case, the petitioner files reply within a period of two weeks from today, then, the same would be considered and an order would be passed on the same. It is contended that in case, after considering the reply of the petitioner, it is found that the plea raised by the petitioner is without merits then a speaking order on the same would be passed and the said order would then be appealable under Section 28 of the Haryana Panchayati Raj

Act. It is further contended that filing of the present writ petition is completely misconceived.

Learned counsel for the petitioner has submitted that the petitioner had filed the present Civil Writ Petition under the apprehension that due procedure as per law would not be followed by the Gram Panchayat. It is further submitted that the petitioner is satisfied with the statement made by learned counsel for respondent No.6 but has stated that respondent No.6 should not take any coercive action till the time they do not pass any order, after considering the reply filed by the petitioner.

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

- i) The petitioner would be at liberty to file reply to the notice dated 20.11.2019 (Annexure P-12) within a period of two weeks from today.
- ii) In case, any such reply is filed then the Gram Panchayat would consider the same and pass a speaking order thereon.
- iii) Till the time any such decision is taken, no coercive action would be taken against the petitioner.

It is made clear that in case, the petitioner does not file a reply within a period of two weeks from today, then, it would be deemed that the petitioner has nothing to say in response to the show cause notice and it would be open to the respondents to proceed against the petitioner, in accordance with law.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

03.03.2023

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No