

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

CWP-28740-2023

Date of decision : 20.12.2023

Nishan Singh

.....Petitioner

versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vipin Mahajan, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court praying for issuance of direction to respondent No.1 to decide the application as well as Appeal No.174 of 2023 filed by the petitioner in a time bound manner under Section 20(6) of Punjab Panchayati Raj Act titled as Nishan Singh Vs. Director Rural Development and Panchayat, Punjab, as the said appeal was filed by the petitioner on 04.07.2023 (Annexure P-2) and during the pendency of the said appeal vide notification dated 10.08.2023 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 However, later on vide notification dated 04.09.2023 the said earlier notification was withdrawn and the Panchayat was restored. Accordingly, petitioner immediately moved an application (Annexure P-4) for recalling the order dated 16.08.2023 and further restoring the appeal to its actual number and to adjudicate/decide the appeal on merits. However, even after a gap of more than two months neither the application was been listed for hearing nor the appeal of the petitioner has been listed for hearing whereas till today petitioner is suspended from the post of Sarpanch and all the development works in Village has been stalled.

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. He submits that subsequently the said Notification has been withdrawn by the State and thus, the petitioner has suffered an irreparable loss.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.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 However, as submitted before this Court, the same has been subsequently withdrawn.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 petitioner has not been heard on merits.

Resultantly, the impugned order dated 16.08.2023 is *set aside*. Case/Appeal before respondent No.1 is restored to its original number and is remanded back to respondent No.1 for deciding the same on merits in accordance with law expeditiously preferably within two weeks from the date of receipt of certified copy of this order.

Till the decision of appeal by respondent No.1, operation of the impugned orders dated 08.05.2023 (Annexure P-1) would remain stayed. Respondent No.1 is directed to hear the parties and decide the appeal in accordance with law. Petition stands disposed of.

20.12.2023
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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