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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:009356

CWP-1579-2024

Date of Decision:24.01.2024

Gram Panchayat, Hema Majara

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. S.S. Dinarpur, Advocate,
Mr. Lalit Rishi, Advocate and
Mr. Rohit Singh, Advocate, for the petitioner.

Rajesh Bhardwaj, J. (ORAL)

The petitioner has approached this Court praying for quashing of the impugned letter/order dated 07.12.2023 (Annexure P-3) and notice/order dated 21.12.2023 (Annexure P-4) issued by respondent No.5 at the instance of respondent No.6, vide which the petitioner-Gram Panchayat has been directed to demolish the welcome gate installed by the petitioner at the main entry point of village Hema Majra on Mullana-Hema Majra Link Road. Further prayer has been made to restrain the respondents from demolishing the welcome gate installed by the petitioner in consonance with the spirit of the subsequent order dated 29.12.2023 (Annexure P-8) passed by respondent No.2.

It has been contended by learned counsel for the petitioner that the petitioner-Gram Panchayat has installed a welcome gate in its own land, however, on a complaint the petitioner has been served with notices by respondent No.5 to remove the same within seven days. He has submitted that neither any prior notice has been given to the petitioner-Gram Panchayat nor there is any demarcation conducted by the respondent-authorities and straightway, notices have been given to remove the welcome gate. He submits that the notices issued are totally in violation of the settled principles of law.

Notice of motion to the official respondents.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State.

On instructions from Sanjay Rana, Executive Engineer, PWD (B&R), Ambala Cantt., learned State counsel has submitted that the notices have been rightly issued to the petitioner-Gram Panchayat and they have filed no reply to the same. She submits that if the petitioner-Gram Panchayat files reply before the competent authority, the decision would be taken in accordance with law.

After hearing learned counsel for the parties, the present petition is disposed of with liberty to the petitioner-Gram Panchayat to approach the competent authority and file its reply to the notices within seven days from the date of receipt of certified copy of this order.

If any such reply is filed, the competent authority-respondent No.5 would take the decision in the matter in accordance with law by granting personal hearing to the Gram Panchayat expeditiously preferably within one month from the filing of the reply.

No coercive action shall be taken against the petitioner-Gram Panchayat till the decision is taken by respondent No.5.

24.01.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No