

123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6024-2024

Date of Decision:14.03.2024

Sultana

..... Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for quashing the impugned letter/notice No.6157 dated 17.10.2023 (Annexure P-9) issued by respondents No.2 and 3 as the same being totally illegal, unjust, arbitrary against law and provisions of Haryana Panchayati Raj Act, 1994 and directing respondents No.2 i.e. Deputy Commissioner to get an enquiry conducted against the petitioner from some independent and impartial officer preferably from the Block Development and Panchayat Officer of other Block, before taking any adverse action against the petitioner pursuant to false and frivolous complaint dated 30.09.2023 (Annexure P-6) and the impugned FIR (Annexure P-11) and also directing respondents No.1 and 2 to decide the detailed representation dated 30.01.2024 (Annexure P-12) moved by the petitioner raising her grievance. Further prayer has been made to conduct an enquiry against respondent No.5, who from the very beginning is colluding with the members of the rival group in the village headed by Manmohan Singh (outgoing Sarpanch of the village), who all have been found in illegal possession of the Panchayat land and respondent No.5 was protecting the said person from very beginning and at the same time he was making every attempt to restrain the petitioner from taking appropriate action against them by filing ejectment proceedings etc.

Learned counsel for the petitioner though has submitted that the petitioner has been served with a notice on the extraneous reasons, however, he has fairly submitted that so far the petitioner has not appeared before the Competent Authority. He submits that the petitioner would duly appear before the Competent Authority. He has submitted that the petitioner has filed reply to the notice and one representation as well, which is placed on record as Annexure P-12.

Notice of motion to the official respondents only.

Ms. Upasana Dhawan, Assistant Advocate General, Haryana, accepts notice on behalf of the respondent-State. On instructions, she has submitted that the next date for appearance of the petitioner before the Deputy Commissioner is fixed for 26.03.2024 and the petitioner would be given a personal hearing and thereafter, further action would be taken by the Competent Authority in accordance with law.

Heard.

After hearing learned counsel for the parties, the present petition is disposed of with a direction to respondent No.2 i.e. Deputy Commissioner, Yamunanagar to hear the petitioner on the date fixed i.e. 26.03.2024 and to take into account the grievance of the petitioner as raised in the representation (Annexure P-12) filed by her and decide the same, in accordance with law.

14.03.2024		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No