

114

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9670-2024

Date of Decision: April 30, 2024

Sahoon Khan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Talim Hussain, Advocate
for the petitioner.

.....

RAJESH BHARDWAJ, J.(ORAL)

Petitioner has approached this Court praying for issuance of direction to respondents No.2 to 4 to restrain respondents No.6 to 8 from taking any further action in pursuance to letters dated 13.03.2024, 19.03.2024 and 26.03.2024, Annexures P-4 to P-6 sent by respondents No.7 and 8 to respondent No.6 to cause the appearance of the petitioner before respondents No.7 and 8 along with Panchayat records, resolution, work order, measurement book and FTO without any cause, rhyme or reason, however three years have already been passed from the date of handing over/leaving the charge by the petitioner to respondent No.9 therefore the action of respondents No.6 to 8 is illegal, unjust, perverse, improper as much as depicts violative of sub clause (5) of clause 53 of Haryana Panchayati Raj Act, 1994.

It has been submitted by learned counsel for the petitioner that the petitioner remained the Sarpanch of the village and completed his tenure in the year 2021, however now he has been served with the impugned

notices/letters, which are in violation of Section 53 of the Haryana Panchayati Raj Act, 1994, as the same is beyond the statutory limit of two years from demitting the office.

Notice of motion.

On asking of the Court, Ms.Upasana Dhawan, AAG, Haryana, who is present in Court, accepts notice on behalf of the respondents/State and submits, on instructions from Ajit Singh, BDPO, Punhana, Jhajjar, that though the petitioner has demitted the office, however, some of the record regarding MNREGA is still with him and hence notice has been issued to him. She has submitted that grievances of the petitioner would be heard in accordance with law if he files any reply and appear before the authority concerned.

In view of the statement made by learned State counsel, learned counsel for the petitioner very fairly submits that petitioner may be allowed to withdraw the petition with liberty to the petitioner to avail his remedy of filing his reply to the notice.

Allowed as prayed for.

Petition is dismissed as withdrawn with liberty aforesaid. However, if petitioner files any reply to the impugned notices/letters, the respondent/authorities would consider the same and proceed in accordance with law. Needless to say that the petitioner is free to raise all his grievances before the respondent/authorities, as have been raised in the present petition.

April 30, 2024

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(RAJESH BHARDWAJ)

JUDGE

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No