

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

CWP-21278-2019

Date of decision 28.02.2024

Dalbir Singh

.....Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Vikram Singh, Advocate
for the petitioner.

Ms. Upasana Dhawan, AAG, Haryana.

RAJESH BHARDWAJ, J. (Oral)

Prayer in the present petition is for setting aside the Letter dated 22.07.2019 (Annexure P-2) issued by respondent No.2 being wrong, illegal and against settled provisions of law. Further prayer has been made for directing respondent No.2 not to proceed with the letter dated 22.07.2019 as the same is on the basis of directions given by the District Grievance Committee, being violative of Article 21 of the Constitution of India as the District Grievance Committee has no authority to pass such order/directions. Further prayer has been made for directing the respondents not to take any coercive action against the petitioner in pursuance to the impugned recommendations/proceedings of the District Grievance Committee and letter dated 22.07.2019 (Annexure P-2) and for staying the proceedings in pursuance to the same.

Learned State counsel has drawn the attention of this Court to the written statement filed by Mr. Shakti Singh, Block Development and Panchayat Officer, Sanauli Khurd, District Panipat wherein in Para No.3, it

has been stated that in pursuance to Annexure P-2, FIR No.146 dated

25.07.2019 has already been registered against the petitioner and Surjan Singh, the then Sarpanch under Sections 409/420 IPC in Police Station Sanauli Khurd. She has further stated that pursuant to letter dated 22.07.2019 (Annexure P-2), action has already been taken and FIR as stated above has been registered against the petitioner and the then Sarpanch and as such, the prayer of the petitioner in this regard has rendered infructuous.

Learned counsel for the petitioner has not denied the above-said contentions raised by learned State counsel regarding registration of FIR against the petitioner but has stated that the letter dated 23.10.2018 (Annexure P-3) issued by the Executive Engineer, Panchayati Raj, Panipat has been issued without affording an opportunity of being heard to the petitioner and he will be satisfied if the respondents are directed to grant the petitioner personal hearing before taking any action on Annexure P-3.

Learned State counsel has also stated that although the petitioner was earlier given opportunity of hearing during the course of enquiry yet they are ready to give him another opportunity of hearing in case the respondents intend to take any action in pursuance to Annexure P-3 under Section Haryana Panchayati Raj Act.

In view of the above, the present petition is disposed of with direction to the respondents that before taking any action in pursuance to letter dated 23.10.2018 (Annexure P-3), petitioner be afforded an opportunity of being heard.

28.02.2024
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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