

2024:PHHC:163211



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

CWP-32292-2024 (O&M)
Date of decision :29.11.2024

MAHENDER

...Petitioner

Versus

DEPUTY COMMISSIONER, JIND AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Mani Ram Verma, Advocate
for the petitioner.

Ms. Upasana Dhawan, A.A.G., Haryana.

HARSH BUNGER, J. [ORAL]

Petitioner (Mahender) has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of *certiorari*, for quashing the Show Cause Notice dated 21.10.2024 (Annexure P-6), which reads as under :-

“SUBJECT :- Show Cause Notice.

Regarding the above subject, as per the report number 6141 dated 30-09-2024 of the Block Development and Panchayat Officer, Julana, you have been found guilty in the following manner :-

It is that as per the instructions issued by a Principal Secretary Haryana Government, Development and Panchayat Department, Chandigarh in letter No.SBA-3-2013/3093-3113 dated 23-01-2013, the land of Gair-Mumkin Johar cannot be used for any purpose other than Johar or other water structure. The Sarpanch did not mention the land marked for the construction of Chaupal in

the resolution passed by the Gram Panchayat and neither did the administration got informed that this land is reserved for the pond in the revenue records. Shri Mahendra Singh Sarpanch has misused his position by not following the instructions of the government. By doing this, you have been negligent in discharging your duties and thus your continuation on the post of Sarpanch is undesirable in public interest.

Therefore, in view of the above allegation, it is proposed to take disciplinary action against you under Section 51 of Haryana Panchayati Raj Act, 1994. You are informed by this show cause notice along with a copy of the report that you should submit your reply regarding the above allegation in this office within 15 days of the receipt of this notice. If your reply is not received within the stipulated period, then Ex parte legal action will be taken against you under the above mentioned section.”

2. A perusal of the writ petition would reveal that the petitioner did not submit his reply to the afore-said Show Cause Notice and rather, requested for more time to respond to the said Show Cause Notice vide his request/letter dated 04.11.2024 (Annexure P-7).

3. On the other hand, Ms. Upasana Dhawan, Assistant Advocate General, Haryana, who has appeared on behalf of respondent-State in this case, pursuant to the advance copy of petition having been served upon the State of Haryana, has handed over a photocopy of order dated 27.11.2024 passed by the learned Deputy Commissioner, Jind; whereby, the petitioner was suspended under Section 51 of the Haryana Panchayati Raj Act, 1994.

3.1 A copy of said order dated 27.11.2024 passed by the learned Deputy Commissioner, Jind, is taken on record and marked as 'Mark-A'.

4. Since, the petitioner has already been suspended vide order dated 27.11.2024 passed by the learned Deputy Commissioner, Jind,

accordingly, in my considered view, the present writ petition has been rendered infructuous. However, leaving it open to the petitioner to avail his remedy/ies against order dated 27.11.2024 passed by the learned Deputy Commissioner, Jind, in accordance with law.

5. All pending applications (if any) shall also stand closed.

November 29, 2024
gurpreet

(HARSH BUNGER)
JUDGE

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