
(1989) 12 P&H CK 0005
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 1053 of 1980

Inder Lal

APPELLANT

Vs

Gram Panchayat of Samalkha Mandi and Another

RESPONDENT

Date of Decision : 15-12-1989

Acts Referred:

Constitution of India, 1950 — Article 227
Punjab Gram Panchayat Act, 1952 — Section 23A

Citation : (1990) 98 PLR 374

Hon'ble Judges : J.S. Sekhon, J

Bench : Single Bench

Advocate : Vinod Sharma, for the Appellant; R.K. Chhokar, for the Respondent

Judgement

J.S. Sekhon, J.—This Court vide its order dated September 26, 1988, had relegated the petitioner to seek his remedy by way of filing an appeal u/s 23-A of the Punjab Gram Panchayat Act, as applicable to the State of Haryana, because right to file appeal before the Deputy Director panchayat was available to him as the initial order was passed under the provisions of sections 21 and 23 of the said Act. Subsequently, on the review application filed by the Samalkha was abolished during the pendency of this revision petition and the area was included in the Notified area Committee.

2. In pursuance of that order, the petitioner had filed an appeal before the Deputy Director, Panchayat, but did not rightly pursue the same after the recalling of the order in the review. petition and appeal was dismissed in default on April 26, 1989.

3. I have heard the learned counsel for the parties and have purused the record. The law is well-settled that an appeal or revision is a continuation of the original proceedings. In the cage in hand,. since the Gram Panchayat had passed the original order of removing the encroachment on the road under the provisions of section 21 and 23 of the Act, the appeal arising therefrom being in continuation of the original proceedings shall have to be disposed of by the authorities under

the Punjab Gram Panchayat Act. Moreover, under 6 of the General Clause Act, 1987, the Municipal Committee inherits the rights and liabilities of the earlier local body, panchayat etc. Thus, at the most, the petitioner shall be required to arraign the Municipal Committee as respondent in the appeal before the Deputy Director, Panchayats, but the jurisdiction of the Deputy, Director Panchayats, shall be there to hear the appeal. Consequently, the previous order dated September 26, 1988, is ordered to be restored. The Deputy Director, Panchayats, is directed to revive the earlier appeal filed by the Municipal Committee, Samalkha. The Deputy Director, Panchayat shall not, however, dismiss the the appeal on ground of being barred by time.

4. The revision petition stands disposed of accordingly.