

IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA

CWP No. 10908 of 2025

Reserved on: 8.10.2025

Date of decision: 22.12.2025

Sanjay Mahajan.

...Petitioner.

Versus

State of H.P. & Others.

...Respondents.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Hon'ble Mr. Justice Romesh Verma, Judge.

Whether approved for reporting?¹

For the Petitioner.

Mr.Nimish Gupta, Advocate.

For the Respondents:

***Mr.Anup Rattan, Advocate General, with
Ms.Swati Draik, Deputy Advocate General
and Mr.Shulabh Thakur, Assistant
Advocate General.***

Vivek Singh Thakur, Judge

Present petition, invoking jurisdiction of this Court under Article 226 of the Constitution of India, has been filed seeking following substantive reliefs:-

- “i. That notification dated 10th July (sic) June, 2025, Annexure P-6 may be quashed and the respondents may be ordered not to shift

¹***Whether the reporters of the local papers may be allowed to see the Judgment?***

the Headquarters of Development Block from Nagrota Surian to Jawali.

- ii. That Notification dated 1.8.2024 (Annexure p/2) transferring 10 Gram Panchyats of Development Block Dehra may be quashed to the extent that the said ten Gram Panchyats shall continue to be part of the Development Block Nagrota Surian as these are merely 8 to 10 kilometers from Nagrota Surian.”*

2. Ground for laying challenge to the Notifications, narrated in the pleadings, is that the aforesaid Notifications are bad in law being in conflict with the provisions of Panchayati Raj Act, 1994 (for short ‘PR Act’) and Panchayati Raj (Election) Rules, 1994 (‘Election Rules’), and these Notifications have been issued on the basis of malafide political consideration, not in the interest of public at large, but only for vested political interests.

3. By filing reply, action of the State has been justified by stating that process of organization, including shifting and managing of Gram Panchayats and delimitation of Panchayat areas at all levels as well as shifting of Headquarters of Development Block Nagrota Surian to Jawali has been carried out in strict adherence to the binding principle of mandate based on objective criteria of administrative feasibility, workload balancing and geographical centrality as recommended by the competent field authorities. Further that the decision of delimitation as well as

shifting of Block Headquarter to Jawali has been taken to maximize public convenience and administrative efficiency, after deliberation and approval in the State Cabinet in meeting held on 31.5.2025. Alongwith reply, copy of map alongwith distance of various Gram Panchyats has been placed on record.

4. In rejoinder, plea taken in the reply has been disputed and submissions made in the petition have been re-iterated. Alongwith rejoinder a table indicating the distance of the Gram Panchayat from Nagrota Surian in comparison to Jawali, has also been placed on record, which is similar to distance chart placed on record by respondents-State on format-II with site map Annexure R-1.

5. Section 77 of the PR Act provides that for each Block there shall be a Panchayat Samiti having jurisdiction over the entire Block excluding such portion of Block as are included in a Municipality constituted under any law for the time being in force, therefore, hereinafter reference of Development Block and Panchayat Samiti shall include both and each other, because technically, area of a Development Block is also a Panchayat area of the concerned Panchayat Samiti established for the said Block.

6. Vide Notification dated 1.8.2024, quashing whereof has been prayed in prayer ii, respondents have re-organized Development Block Dehra, by including 17 Gram Panchayats of Development Block Fatehpur, District Kangra and 10 Gram Panchayats from Development Block Nagrota Surian, District Kangra, with 55 Gram Panchayats in Development Block, Dehra. It is relevant to record that petitioner has not assailed the entire Notification, but only part thereof, whereby 10 Gram Panchayats from Development Block Nagrota Surian has been transferred to and included in Development Block Dehra. Rest part of Notification regarding re-construction/re-organization of Development Block Dehra, District Kangra has not been assailed.

7. In case plea of the petitioner is accepted, then Development Block Dehra will remain with 45 Gram Panchyats.

8. It is also noticeable that after issuance of aforesaid Notification dated 1.8.2024, petitioner remained silent till July, 2025 and assailed this Notification by filing present petition on 7th July, 2025.

9. It is also plea of the petitioner that for issuance of Notification dated 30.5.2025 (Annexure P-5) by Authorized Officer-cum-Block Development Officer, Development Block, Nagrota Surian, delimitation of Panchayat Samiti Nagrota Surian was completed and,

therefore, after issuance of this Notification, respondents, including competent Authority was and is not competent to re-organize the Panchayat Samiti again. It is apt to record that vide Notification dated 30.5.2025 delimitation of Panchayat Samiti Nagrota Surian was notified with 38 Gram Panchayats only and 10 Panchayats which have been excluded from Nagrota Surian and transferred to Dehra vide Notification dated 1.8.2024, were not included in Notification dated 30.5.2025.

10. The plea of the petitioner is self destructive. On one hand he is claiming that after notifying delimitation of Panchayat Smiti Nagrota Surian vide Notification dated 30.5.2025, no change can be carried out therein, but on the other hand petitioner is praying for transfer of 10 Gram Panchayats from Nagrota Surian to Dehra, notified vide Notification dated 1.8.2024. Contradictory stand of the petitioner is irreconcilable because in case after accepting the plea of the petitioner, delimitation of Panchayat Smiti Nagrota Surian vide Notification dated 30.5.2025 is treated to be irrevocable final delimitation excluding the rights of the respondents to undertake process of delimitation again, then prayer for quashing Notification dated 1.8.2025 qua transfer of 10 Gram Panchayats from Nagrota Surian to Panchayat Samiti Dehra is also not sustainable.

11. Otherwise also, for delay of more than 1 year in assailing the Notification dated 1.8.2024, prayer for quashing the same is liable to be rejected for delay and laches, particularly when the Notification has been challenged to a limited extent i.e. related to transfer of 10 Gram Panchayats from Nagrota Surian to Panchayat Samiti Dehra only. In case prayer of the petitioner is accepted, then Panchayat Samiti Dehra will have only 45 Gram Panchayats. Whereas, Panchayat Samiti Fatehpur shall have 66 Gram Panchayats and Panchayat Samiti Nagrota Surian shall have 48 Gram Panchayats and there will be imbalance in the size of three Panchayat Samitis namely Panchayat Samiti Nagrota Surian, Panchayat Samiti, Fatehpur and Panchayat Samiti Dehra.

12. Vide Notification dated 10.6.2025 two decisions of the Government have been notified, one is with regard to shifting of Headquarter of Development Block Nagrota Surian to Jawali to be established at Mini Secretariat Jawali, and second is with regard to re-organisation of Development Blocks Nagrota Surian and Fatehpur of District Kangra whereby 14 Gram Panchayats have been transferred from Development Block Fatehpur to Development Block Nagrota Surian, resulting into reconstitution of Development Block Fatehpur with 52 Gram

Panchayats and reconstruction of Development Block Nagtora Surian with 52 Gram Panchayats.

13. It is also apt to record that vide Notification dated 1.8.2024 re-organisation of Development Block Dehra has been notified, by transferring 17 Gram Panchayats of Development Block Pragpur and 10 Gram Panchayats from Development Block Nagrota Surian, with 55 Gram Panchayats of re-organized Development Block Dehra. Therefore, it is apparent from impugned Notification that Development Blocks, i.e. Pragpur, Nagrota Surian, Fatehpur and Dehra have been re-organized in such a manner so that almost equal number of Gran Panchayats are there in these Development Blocks.

14. Learned counsel for the petitioner has submitted that once exercise of delimitation with respect to Gram Panchayat Nagrota Surian was carried out in terms of Rule 8 of Election Rules and thereafter final publication of delimitation of the said Panchayat Samiti was made on 30.5.2025, then respondents should not have carried out fresh exercise of delimitation qua the same Panchayat Samiti, as has been done vide Notification dated 10.6.2025. However, leaned counsel for the petitioner has failed to indicate any such prohibition in the PR Act and Election

Rules, inhibiting the power of competent Authority to exercise the power of delimitation again.

15. Plea of the petitioner that after Notification dated 30.5.2025, notifying the delimitation of Development Block Nagrota Surian, respondents were not having any competence/authority to re-organize the Development Block Nagrota Surian, is also not substantiated by any provisions of PR Act or Election Rules. Rule 8 of Election Rules provides delimitation of Panchayat Samiti. Perusal of this Rule nowhere suggests that after exhausting process of delimitation once, the competent Authority is debarred from undertaking the same process again, but well before notification of General Election of the Gram Panchayats.

16. No convincing material has been placed on record to substantiate the allegations with regard to malafide political intention to re-organize the Development Block Nagrota Surian and shifting of Headquarter from Nagrota Surian to Jawali.

17. To oppose shifting of Headquarter from Nagrota Surian to Jawali, the only plea taken is that it will increase the distance of certain Gram Panchayats from the Headquarter. This plea is also misconceived as Nagrota Surian and its surrounding areas are being notified as Nagar Panchayat and other 10 Gram Panchayats have been included in

Panchayat Samiti/Development Block Dehra and out of rest 38 Gram Panchyats, the distance of 10 Gram Panchayats namely Spail, Khabbal, Jarpal, Ghaar-II, Ghaar-Bariyal, Jarot, Bantungli, Amlela, Katora and Panalath has increased, whereas distance of remaining 28 Gram Panchayats kept in Development Block Nagrota Surian, has decreased considerably, which is evident from the distance chart placed on record, not only by the respondents-State but also by the petitioner and, therefore, large number of Panchayats are going to be benefited with respect to distance from the Headquarter from Jawali, whereas in case Headquarter is kept at Nagrota Surian only distance of 10 Panchyats will be lesser, but remaining 28 Panchayats will be located at considerable long distance and, therefore, plea to justify the opposition to shifting Headquarter from Nagrota Surian to Jawali, is not sustainable.

18. As evident from Annexure P-3, vide Notification dated 23.11.2024, State had created Nagar Panchayat Nagrota Surian by including area of Suknara, Bassa, Nagrota Surian and Haar therein. Though, the said Notification has been set aside by this Court vide judgment dated 19.11.2025 passed in CWP No. 6074 of 2025 preferred by Sanjay Mahajan, who is also petitioner in present petition, however, it is a fact that the said Notification has been quashed for non consideration

of certain objections raised by inhabitants of the area, but with direction to the competent Authority to consider the objections within the time specified in the order and thereafter issue appropriate Notification with regard to correction of Nagar Panchayat Nagrota Surian. From this fact, it is apparent that certain area surrounded Nagrota Surian have to be included in Nagar Panchayat Nagrota Surian. Ten Gram Panchayats included in Development Block/Panchayat Samiti Dehra, though, are nearer to Nagrota Surian, but in comparison to distance from Jawali, they are nearer to Dehra. As already discussed supra, challenge laid to Notification dated 1.8.2024 is not sustainable and further that Nagrota Surian is going to be notified as Nagar Panchayat and Headquarter of Development Block Nagrota Surian is being shifted to Jawali, distance of these 10 Panchayats from Nagrota Surian has no relevance for adjudication of issue raised by the petitioner, but distance of these Panchayats from Dehra in comparison to Jawali may be a relevant factor. Thus plea with regard to lesser distance of these Gram Panchayats from Nagrota Surian, than Dehra is also not a valid ground to accept the plea of the petitioner.

19. It has been pleaded that impugned notifications have been issued at the behest of Agricultural and Animal Husbandry Minister, who

is also representative of Legislative Assembly, Jawali, but there is no material on record to substantiate such plea, except the Unofficial Letter (UO Letter) issued by Special Private Secretary to the Minister to BDO Nagrota Surian, District Kangra, H.P. with request to take necessary action to take up the case of Nagrota Surian Block for re-organization and exploring the possibility of opening BDO Office Jawali. It is apt to record that this UO Letter appears to have been issued in response to a letter received from Rural Development and Panchyati Raj Minister, H.P. regarding re-organization of blocks/shifting of Gram Panchyat from one Block to others, therefore, this UO letter is not a recommendation originating from Agricultural and Animal Husbandry Minister, but it is a response to the communication received from concerned Minister, i.e. Rural Development and Panchayati Raj Minister. There is no material on record so as to construe any malafide intention of Agriculture and Animal Husbandry Minister.

20. The change of Headquarter is a policy decision of the Government, unless there is manifest arbitrariness, authority has exceeded its jurisdiction, the decision is in conflict with provisions of statutory rules framed thereunder or the decision is in conflict with the Constitutional mandate, the Courts are not expected to replace its opinion

or view with the opinion of the competent Authority. In present case, from the material placed on record, no case is made out to establish that exercise of powers by the competent Authority is a incurable exercise of powers or is an incident of exceeding jurisdiction or manifest arbitrariness. No provision of PR Act or Election Rules has been pointed out to substantiate the plea that the impugned Notifications are in conflict with or not in consonance with provisions of relevant Act and Rules, much less Constitutional mandate.

21 Without transferring 14 Gram Panchyats from Development Block/Panchayat Samiti Fatehpur to Nagrota Surian, the number of Gram Panchayats in Fatehpur will be 64, whereas Gram Panchayats in Nagrota Surian will be 38 only. As noticed supra, it will create imbalance between two Panchayat Samitis and the petitioner has no justifiable reason for opposing transfer of 14 Gram Panchayats from Fatehpur to Development Block Nagrota Surian, except that this Notification has been issued after 31.5.2025. As already recorded supra the competent Authority is not inhibited/prohibited by any provisions of PR Act or Election Rules to undertake the exercise/process of delimitation again even after completion thereof once, but well before Notification to conduct of elections.

22. It is also apt to record that one side petitioner alongwith others, filed CWP No. 6074 of 2025 and obtained order to undertake the exercise of constitution/delimitation of boundaries of Nagar Panchyat Nagrota Surian in the month of November, itself, but on the other hand it is to be pleaded on behalf of petitioner that after 30.5.2025, competent Authority is not competent to undertake exercise of re-organization of boundaries of local self bodies. On this count also prayer in present petition deserves to be rejected.

23. In view of above discussion we are of the considered opinion that there is no merit in this Writ Petition and accordingly the same is dismissed, alongwith pending applications, if any.

***(Vivek Singh Thakur),
Judge.***

***(Romesh Verma),
Judge.***

22nd December, 2025
(Keshav)