

CWP Nos. 6696 and 6288 of 2006

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

Date of Decision: 28.01.2015

1. CWP No. 6696-2006

Gram Panchayat Village Barsat

... Petitioner(s)

Versus

The State of Haryana and others

... Respondent(s)

2. CWP No. 6288-2006

Gram Panchayat Bhakli

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Hardeep Singh Dhillion, Advocate for
Mr. Vikram Singh, Advocate for the
petitioner in CWP-6696-2006.

None for the petitioner in CWP-6288-2006.

Mr. Sandeep S. Mann, Sr. DAG, Haryana.

Mr. Parminder Singh, Advocate,
for respondent no.4 in CWP-6696-2006.

Paramjeet Singh, J.(Oral)

This order shall dispose of CWP No. 6696-2006 and CWP
No. 6288-2006 as common questions of fact and law are involved in

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both the petitions.

In both the writ petitions, dispute is as to how assets including *shamilat deh* are to be apportioned, upon bifurcation of one Gram Panchayat area into two or more Gram Panchayat Areas.

I have heard learned counsel for the parties and perused the record.

The controversy involved in the present writ petition has already been dealt with by a Division Bench of this Court in CWP-15495-2010, titled '***Gram Panchayat Village Partal vs. State of Haryana and others***', decided on 09.10.2013, wherein, it has been held as under:

“Dispute arose because in some cases, by applying provisions of Haryana Panchayati Raj Act, 1994, assets were apportioned and in some other cases, census (population) was made basis for apportionment of the assets of the original Gram Sabha.

Today in Court, it has been informed that State of Haryana has effected an amendment in Section 7 of the Haryana Panchayati Raj Act, 1994 and after sub-section (3), Clause (3A) has been added, which reads thus :-

“7 (3) (3A) – Where any area is excluded from or included in any sabha area under sub-section (3), the assets and liabilities attached with such sabha area shall be apportioned by the prescribed authority in such manner, as may be specified.”

In view of the above amendment, which was made on 11.9.2013, the petitioner's grievance will be

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addressed by the authorities concerned.

Orders passed in the earlier point of time, which are impugned in these writ petitions, shall not be a bar to take fresh decision so far as apportionment of the assets are concerned.

The State counsel undertakes that necessary rules will also be framed within a period of three weeks from today, if not framed earlier. After incorporation of the rules, let the authority decide lis between the parties, if the petitioner is aggrieved, it can approach the concerned authority for requisite relief, as per law.

Accordingly, all these writ petitions are disposed of.”

The matter in hand is squarely covered by the judgment rendered in ***Gram Panchayat Village Partal's case (supra)***. In view of the law laid down in ***Gram Panchayat Village Partal's case (supra)***, the authorities concerned are directed to redress the grievance of the petitioner in the light of amendment in the Act/Rules. The impugned orders shall not be a bar to take fresh decision with regard to apportionment of the assets. The needful will be done within a period of six months.

Both the writ petitions are disposed of accordingly.

28.01.2015
parveen kumar

(Paramjeet Singh)
Judge